

**CITY OF MADEIRA, OHIO
PERSONNEL POLICY MANUAL**

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CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION A: JOB COMPLEMENT

EFFECTIVE DATE: JUNE 15, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To define Job Complement and state the guidelines for deviating from designated Department Job Complements established by the City.

POLICY:

A Job Complement is a list of authorized positions for each department. The Job Complement is based on the City's Position Description Booklet and the Annual Budget. At any given time, these approved positions may or may not be filled based on the annual budget and the department's work load. Additions or deletions to the complement must be requested by letter to the City Manager. Any reclassification or special assignment requests must also be forwarded, in writing, to the City Manager.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION B: NEPOTISM

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To state the City's hiring practices as it relates to the employment of more than one member of an immediate family. It shall be recognized that the practice of nepotism has the potential to cause conflicts of interest and, therefore, is not in the best interest of the City of Madeira.

POLICY:

Except in cases of extremely extraordinary or unusual circumstances, the City shall not employ any more than one (1) member of an immediate family in full-time or part-time permanent, temporary, seasonal or intermittent positions. The term "immediate family" shall include the husband, wife, child, step-child, parent, step-parent, or sibling of an employee.

The City Manager shall review and approve the appointment of all employees under the City Manager's authority as it relates to this policy.

An exception to this policy is when an immediate family member of an existing employee is elected to City Council.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION C: CATEGORIES OF EMPLOYEES/CIVIL SERVICE CLASSIFICATIONS

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To define the various categories within the employee service of the City of Madeira.

POLICY:

1. Full-time Permanent: An employee hired for and scheduled to work at least forty (40) hours per week, for fifty-two (52) weeks per year, excluding earned/scheduled vacations.
2. Full-time Temporary: An employee hired for and scheduled to work at least forty (40) hours per week, but less than fifty-two (52) weeks per year.
3. Part-time Permanent: An employee scheduled to work less than eight (8) hours per day or less than forty (40) hours per week, for fifty-two (52) weeks per year.
4. Part-time Temporary: An employee scheduled to work less than eight (8) hours per day or less than forty (40) hours per week, and less than fifty-two (52) weeks per year.
5. Full-time Seasonal: An employee who is hired and scheduled to work at least forty (40) hours per week to perform a specific job and/or for a short or limited duration of time.
6. Part-time Seasonal: An employee who is hired and scheduled to work less than forty (40) hours per week to perform a specific job and/or for a short or limited duration of time.
7. Intermittent: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable.

For the purposes of this Article, as per the City of Madeira Civil Service Rules and Regulations, all persons in the service of the City, compensated and non-compensated, shall be either classified or unclassified in the Civil Service.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION D: PROBATIONARY PERIODS

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To state probationary periods for all newly hired or promoted employees of the City.

POLICY:

Permanent full-time and part-time employees are on probation for one (1) year beginning their first day of active service. An employee may be terminated any time during the probationary period should the employee be deemed unsuitable for the position. Reasons for dismissal will include any action identified in Section VI (A) of this Manual. An employee on probation has no right to appeal the termination.

Whenever an employee is promoted, they immediately begin a new probationary period of six (6) months. If during the probationary period following promotion, the employee's ability to perform is found to be unsatisfactory they could be reduced to the position which they held prior to promotion. If an employee is demoted during their probationary period following a promotion, this action will complete the probationary period.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION E: UNCLASSIFIED POSITIONS

EFFECTIVE DATE: JUNE 15, 1982

**REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995;
 MARCH 15, 1995; AUGUST 26, 2002**

PURPOSE:

To state what guidelines are to be followed in filling an unclassified position with the City.

POLICY:

The following current positions or position categories are considered unclassified positions:

Assistant City Manager	Police Chief
City Council	Prosecutor
City Engineer	Recreation Director
City Manager	Recreation/Parks Board Members
Civil Service Commission	Solicitor
Clerical Personnel	Tax Commissioner
Clerk of Council	Tax Review Board
Maintenance Supervisor	Temporary & Seasonal Personnel
Planning Commissioners	Treasurer
Assistant to the Treasurer	

While no legal requirements exist to publicize the availability of such positions, affirmative personnel practice dictates that unclassified employment opportunities will be widely announced or advertised. The City will post for all presently employed City personnel all position vacancies to be filled. Any presently employed City personnel may apply for vacant positions without the application affecting their present position.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION F: CLASSIFIED POSITIONS

EFFECTIVE DATE: JUNE 15, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state the conditions for filling a classified position with the City.

POLICY:

The following current positions are considered Classified Positions:

- Police Lieutenants
- Police Patrolmen
- Public Works Foremen
- Public Works Service Workers

The filling of a position in the classified service must conform to guidelines established in the Civil Service Rules and Regulations of the City of Madeira. Section 3 of the regulations states which guidelines are to be followed in filling a vacant or newly designated position.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION G: PRE-EMPLOYMENT PHYSICAL EXAM CLASSIFIED POSITIONS

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the requirements of and procedures for a pre-employment physical examination.

POLICY:

No new candidate for a classified position with the City can begin work before the City Manager certifies that the candidate has passed the required physical examination. Certification will be based on a doctor's written assessment of the candidate's physical condition. The physical examination should take into consideration the candidate's ability to perform the duties unique to the position.

Exempt from such an exam are reinstated employees, restored within one year of voluntary resignation.

The City will notify the potential new employee of the physician who will conduct the physical examination. The City will pay for all costs associated with this examination. The potential new employee will be responsible for scheduling the examination.

The City may require appropriate drug testing/screening as part of the examination.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION H: SELECTING A NEW APPOINTMENT

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the process for selecting a new appointment.

POLICY:

When selecting a new appointment for a classified position, Civil Service Rules and Regulations must be followed.

For permanent full and part-time, seasonal and temporary appointments in the unclassified service, the department head will forward a list of qualified applicants, with recommendations, to the City Manager for the final interview process. The City Manager will notify the department head in writing of the final selection.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE I. POSITION FILLING

SECTION I: REPORTING A NEW APPOINTMENT

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the procedures for reporting new appointments.

POLICY:

The City Manager or other appointing authority will report in writing a new appointment to the new employee's department head and the personnel department stating the starting date, starting rate of pay and any additional information deemed necessary by the Manager. He will also notify all other appropriate departments in writing.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION J: NEW EMPLOYEE ORIENTATION

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To establish guidelines for the orientation of new employees.

POLICY:

Each department head is responsible for the orientation of the new employee. On or before the first day of active duty, the personnel department will provide the new employee the relevant material (i.e. Personnel Policy Manual, Bargaining Agreements, Personnel Office enrollment forms, etc.). Within the first week of employment, it is the responsibility of the new employee to read the provided material and schedule a meeting, if necessary, with the personnel department/department head to answer questions regarding the following Sections:

1. Personnel Policies, section entitled, "Conditions of Employment"
2. Personnel Policies, section entitled, "Employee Benefits"
3. Personnel Policies, section entitled, "Disciplinary Actions"
4. Civil Service Rules and Regulations on "promotions", and any other relevant topics to the position being filled (where applicable).
5. Union Contract if applicable.

The new employee and/or the department head should also discuss any and all other portions of these materials deemed necessary. It is the employee's responsibility to seek clarification on any issue contained in the material provided and may not use lack of understanding as a defense against disciplinary action.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE I. POSITION FILLING

SECTION K: REINSTATEMENT FOLLOWING VOLUNTARY RESIGNATION

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the limitations on reinstatement and the rights and benefits which are retained.

POLICY:

A former employee of the City, who resigned voluntarily in good standing, may, at the discretion of the City Manager, be reinstated within one year of his/her resignation.

A reinstated employee retains certain rights and benefits, but forfeits others, depending on the reason for reinstatement. Vacation seniority starts from the day of reinstatement, except for an employee who is being reinstated from military service or layoff, or per the terms of a union contract. A retiree hired from a different job, with no break in service, shall also retain vacation seniority.

Longevity pay seniority starts anew from the date of reinstatement except for those cases as outlined for vacation seniority.

Salary may be the same that the employee was receiving at the time of resignation or separation for medical reasons, as determined by the City Manager. An employee being recalled from layoff will be placed on the same salary as at the time of layoff.

A reinstated employee is credited with un-used sick leave balance. For any position that mandates a probationary period, no new probationary period will be required for a reinstated employee.

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PERSONNEL POLICY MANUAL**

ARTICLE I. POSITION FILLING

SECTION L: NON-DISCRIMINATION

EFFECTIVE DATE: JUNE 15, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the position of the City regarding non-discrimination.

POLICY:

In compliance with Title VII of the Civil Rights Act of 1964, the City shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, National origin or ancestry, sexual preference or handicap with respect to employment, upgrading, demotions, transfers, retirement or recruitment advertising, layoffs or terminations, rates of pay or other forms of compensation and selection for training.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE I. POSITION FILLING

SECTION M: PRE-EMPLOYMENT DRUG/ALCOHOL TEST

EFFECTIVE DATE: SEPTEMBER 17, 1997

PURPOSE:

To state the requirements of and procedures for a pre-employment drug and alcohol screening.

POLICY:

It is the City of Madeira policy and objective to maintain a drug-free workplace. Involvement with alcohol and drugs can adversely affect job performance and employee safety. All offers of employment for classified, or unclassified positions (full-time, part-time and seasonal) shall be contingent upon the negative result of a drug/alcohol screen at the City of Madeira selected testing facility.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE I. POSITION FILLING

SECTION N: ADA POLICY

EFFECTIVE DATE: DECEMBER 30, 2005

PURPOSE:

To state the position of the City regarding the Americans with Disabilities Act.

POLICY:

The City of Madeira will not discriminate against a qualified individual with a disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training and other privileges of employment.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION A: RESIDENCY REQUIREMENTS

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state any residency requirements for employment with the City.

POLICY:

The City Manager, City Treasurer and Clerk of Council are the only appointed employees of the City who are required to live within the City limits of Madeira.

The Manager need not have residency at the time of the appointment, but must during the entire tenure as City Manager reside within the municipality (Home Rule Charter Article IV, Section 1.)

The Clerk of Council and City Treasurer must be residents at the time of appointment.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION B: DEDUCTIONS FROM EMPLOYEE’S EARNINGS

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state those deductions to be made on each employee of the City.

POLICY:

An employee of the City will be required to pay any and all local, state and federal income taxes as well as any other contributions to pension plans and such as mandated by law. Deductions from an employee's pay of such taxes will be facilitated by filing necessary forms with the Treasurer's Office of the City.

All co-payments for insurances shall be made through payroll deduction.

The employee may choose voluntary deductions for savings plans, credit unions, optional retirement plans and pensions. The employee may also choose a direct deposit of their paycheck to the financial institution of their choice should direct deposit be available. Information regarding these issues may be obtained through the Treasurer's Office.

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PERSONNEL POLICY MANUAL**

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION C: EMPLOYEE RECORD CHANGES

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the guidelines for employee record changes for the City.

This policy is for the benefit of the employee; the failure of an employee to follow this policy could result in a delay in mail delivery, notification/contact by phone when needed, correct insurance coverage, or disciplinary action.

POLICY:

It is the employee's responsibility to notify their department head and the personnel department in writing of any change in status including, but not limited to name, home address, telephone number, marital status, births, adoptions, deaths, changes in beneficiaries, whom to notify in an emergency, part-time jobs. Notification will be made no later than three (3) working days after the change is effective.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION D: OUTSIDE WORK POLICY

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the regulations concerning outside employment by an employee of the City.

POLICY:

Full or part-time employees of the City may engage in an occupation or outside activity as long as it is not incompatible with their employment by the City. The City Manager shall determine whether or not such activity is incompatible with City employment. Any employee wishing to engage in an occupation or outside activity for compensation shall submit an Outside Employment Application (sample form included) to their department head. The department head shall complete his portion of the form and submit it to the City Manager for approval or rejection. The employee will receive back a completed copy of the approved/rejected request form from the City Manager.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION E: GRATUITIES

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the policy for the disposition/acceptance of gratuities given to employees.

POLICY:

As a City of Madeira employee, you are asked to perform quality work at all times. Accepting gratuities from anyone because of or through your job with the City, even though most instances are completely innocent, could lead to improper actions or be perceived to be improper actions by the public at large. To avoid any charges of bribery or what could be perceived as bribery, the following policy shall be followed:

Employees should try to avoid receiving gratuities and discourage anyone from giving same. If a gratuity is received by mail or if the giver is insistent, advise these individuals that the gift will be reported to the City Manager for proper disposition. Methods for disposal could include:

- Applied for usage in City business
- Donated to the Free Store
- Returned to sender
- Other methods as determined by the City Manager

It is the responsibility of the employee to turn over, intact, any gratuity/gift to their department head immediately after receiving such gift. The department head will give the item(s) intact to the City Manager for disposal.

ARTICLE II. Conditions of Employment

SECTION E: Gratuities

If a box of candy or plate of cookies is received by an appreciative citizen for services rendered, advise the giver that the contents will be shared with the entire department. Nothing should be accepted if the giver could somehow benefit by the contribution or if it could be perceived that the giver could somehow benefit by the contribution.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION F: POLITICAL ACTIVITIES

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the restrictions on political activity by permanent full and part-time employees (excluding City Council, Solicitor, Treasurer, Clerk of Council, Boards and Commissions) of the City, in order to protect the employees and benefit the City.

POLICY:

City employees may not be compelled to participate in political activities and the failure to participate in a political activity may not be considered by the City in its decision to hire, fire or promote an employee. Any City employee who seeks to coerce another employee into participating in a political activity is subject to dismissal.

City employees are encouraged to vote and express opinions.

- A. The following general political activities are not permitted:
1. No employee shall declare candidacy or campaign for elected office, whether the ballot is partisan or non-partisan.
 2. No employee of the City shall directly or indirectly, orally or in writing, solicit or receive any assessment, subscription, or contribution for any political party or for any candidate for public office.
 3. No employee of the City shall hold an elected or appointed office in any political organization.
 4. Accept appointment to an office normally filled by election.
 5. Circulate official nominating petitions for any candidate.
 6. Solicit for the sale of or sell political party tickets, or solicit contributions for any political party or candidate.

ARTICLE II. Conditions of Employment

SECTION F: Political Activity

7. Engage in activities at the election polls such as soliciting votes, assisting voters to mark their ballots, transporting voters to the polls.
8. Engage in any political caucus.

B. The following political activities in regard to local (City of Madeira) elections are not permitted:

1. Voluntary financial contributions to political candidates or organizations.
2. Circulation of non-partisan or partisan petitions or petition stating views on legislation.
3. Attendance at political rallies.
4. Signing nomination petitions in support of an individual(s)
5. Display of political materials in the employee's home or on the employee's property.
6. Wearing political badges or buttons or the display of political "stickers" on private vehicles.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION G: PERSONAL CONDUCT AND APPEARANCE

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To state the requirements for personal conduct and appearance for all employees of the City of Madeira.

POLICY:

Images presented and statements made by all employees of the City can affect the entire organization; therefore, employees are expected to be friendly, courteous, well-groomed and neat at all times. It is recognized that various work assignments require hard physical activity. The appropriate daily uniform for such activity shall be established by the department head.

Questions regarding appropriate dress should be addressed to your department head.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION H: COMPLAINTS AND PROBLEMS

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To state the method of reporting of complaints and/or problems by an employee of the City of Madeira.

POLICY:

In order to promote good employee relations, the following method is designed to effectively resolve differences of opinion and provide for expression and resolution of employee concerns.

It is important that periodic problems raised by employees be, hopefully, resolved at the closest level of supervision. However, if the employee's concern has not been resolved to their satisfaction, it may be brought to the employee's department head. The vast majority of complaints should be resolved within the department. However, the City Manager maintains an "open door" policy to all City employees. Employees may bring those concerns that have not been resolved within their department to the City Manager. Every effort will be made to resolve such concerns in a reasonable period of time. The City Manager will share those concerns he deems appropriate with the City Council. The employee may go to the City Manager without fear of reprisal.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION I: USE OF EQUIPMENT

EFFECTIVE DATE: JUNE 1, 1993

REVISION DATE: JUNE 8, 2005

PURPOSE:

To state the policy for use of City owned equipment by employees of the City.

POLICY:

The use of City equipment, uniforms or supplies for personal business or private use, unless otherwise authorized by the City Manager, is prohibited.

The following is a list of examples but is not intended to be all inclusive:

- Automobiles
- Mowers, Back-hoes, tools
- Uniforms
- Recreational/Park equipment
- Supplies
- Cell phones, Laptop Computers, PDA's

In the event of an accident with a City vehicle, or a privately owned vehicle being used to conduct City business:

1. Do not move the vehicle unless it constitutes a hazard to other vehicles.
2. Notify the police immediately.
3. Insist that all parties and property concerned remain at the scene of the accident.
4. Obtain identifying information from the driver of the other vehicle(s) including driver's name, address and phone number, driver's license number and expiration date, license plate number, make and model and year of vehicle, insurance coverage and any other pertinent information.
5. Obtain names and addresses of injured persons and witnesses.
6. Report to your supervisor no matter how small the accident may be.

ARTICLE II. Conditions of Employment

SECTION I: Use of Equipment

7. Assist as needed in completing or filing any reports or claim forms.
8. Accidents caused by negligence of the City employee could result in disciplinary action. Department heads will carefully review all accidents and take necessary action if negligence is involved. Consideration will be given to the severity of the accident and to the employee's past record of accidents.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION J: CELL PHONE USAGE

EFFECTIVE DATE: JULY 31, 2006

PURPOSE:

To state the policy for use for city owned/purchased cellular phones.

POLICY:

It has been determined that certain positions in the City of Madeira require the City to provide cell phones to its employees so that they may more effectively execute the responsibilities of their positions. The purpose of this policy is to set guidelines for users of City cell phones in order to balance the trust and responsibility of all users with the complexity of issues that may arise in the usage of City owned cell phones.

City cell phones are the property of the City of Madeira. Users are required to comply with this policy, any applicable user manuals, applicable department/division manuals, and any other directives or policies involving City cell phones.

Any infraction of this policy, including any action that has brought or might bring public embarrassment to the City, may subject the violator to disciplinary action up to and including termination and possible criminal prosecution. There will be no tolerance of any behavior or usage of any City cell phone that violates the concept of basic human dignity in the workplace. This includes, but is not limited to, the sending or attempted sending of any communication or message that is harassing, obscene, and/or threatening to the recipient.

A. Usage

1. Daily work activities of City employees may require the use of cell phones. Examples of use of City issued cell phones include:
 - a. Remote location or field work. Please note it may only be necessary to assign a cell phone to a shift supervisor as opposed to everyone working in the field.

ARTICLE II. Conditions of Employment

SECTION J: Cell Phone Usage

- b. As required, Department Supervisors or Department Heads.
 - c. Personnel responsible for facility services (Public Works, Parks and/or Police Department) as required.
 - d. Other personnel as directed by Department Directors. Please do not request a cell phone because of convenience. Cell phone services are an ongoing cost and should be only used as required.
2. City issues cell phones are to be used for work related activities. Personal calls should be kept to a minimum and only during breaks and lunch. Employees will be charged for all personal calls if the calls exceed the plan limitation.
 3. The City will not provide an employee with a cell phone just for personal calls. If less than 25% of calls are related to City business, then the need for a cell phone should be re-assessed. In some cases, the employee may be issued a pager in lieu of a cell phone. In addition, City cell phones are not meant to replace personal cell phones.
- B. Plans Available – The Police Chief will manage the plans available to the employees who qualify for a cell phone. Monthly plans will be identified and chosen depending on the job responsibilities.
- C. Procedures – All cell phone requests shall be made through the immediate supervisor. The supervisor will decide whether or not the employee qualifies for a cell phone and will refer the request to the Chief of Police for approval. The Chief of Police will decide what plan is appropriate for the department and the use of the phone. All billing shall be divided between departments depending on the uses of the phones (i.e. Police phones will be billed to the police department, public works phones will be billed to public works and administration phones will be billed to administration).
- D. Administration of Policy Violations
1. All minutes will be reviewed monthly. Employees over the allotted minutes as defined by the service plans above will be placed on cell phone probation and may receive disciplinary actions from the immediate supervisor or Department Head.
 2. If the plan is violated a second time, the employee will not be permitted to carry a cell phone.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION K: USE OF VEHICLES

EFFECTIVE DATE: JULY 31, 2006

PURPOSE:

To state the policy for use of city owned or purchased vehicles and/or personal vehicle use.

POLICY:

To perform job functions more efficiently and to provide a greater level of service to residents, the City of Madeira has assigned certain employees City-owned vehicles or permit employees to use a personal vehicle for City business on an expense reimbursement basis. Employees using City vehicles as a condition of employment or employees using personal vehicles on City business must comply with all rules and guidelines of this policy.

1. This policy applies to all employees and agents of the City of Madeira, whether full-time, part-time, intermittent or volunteer.
2. Use or assignment of a City vehicle must be authorized in writing by the appointing authority. No person other than an authorized City employee may drive a City vehicle.
3. Employees shall not use or permit the use of a City vehicle for any purpose other than official City business.
4. Use of a City-owned vehicle is a privilege and employees are a constant, visible, official representative of the City. Employees are expected to show every driving courtesy possible and to conduct themselves in a professional manner.
5. Employees who are required to operate a motor vehicle as part of their job duties must maintain the appropriate licenses as a condition of their employment. Furthermore, employees are responsible for maintaining a satisfactory driving record to allow the City to obtain insurance in order to protect the City from liability stemming from the employee's operation of a motor vehicle during City service. If the required licenses of an employee who drives a City vehicle as a condition of employment become suspended or if the employee's driving record contains convictions or judgments that, in the administration's determination, would cause the City's insurance costs, ability to defend claims, or insurance status to become less favorable, the City reserves the right to take disciplinary action against such employee,

ARTICLE II. Conditions of Employment

SECTION K: Use of Vehicles

including termination, demotion, and/or transfer. Traffic fines and arrests for illegal use of City-owned vehicles are the sole responsibility of the employee, and may subject the employee to appropriate disciplinary action. Any change in driving privilege status must be reported to their supervisor immediately and to the Assistant City Manager. The City reserves the right to allow or disallow an employee operating privileges based on the employee's individual circumstance.

6. Employees who drive City-owned vehicles are prohibited from carrying passengers who are not on official business unless authorized in advance by his or her supervisor. The City may require waivers of liability to be signed by non-employee passengers.
7. All City vehicles are tobacco-free. Smoking and chewing tobacco products are not permitted in City vehicles.
8. Employees will not operate vehicles while under the influence of alcohol, or illegal drugs. If an employee is currently taking prescription drugs that may affect their ability to drive a vehicle, the employee must notify their immediate supervisor.
9. The Assistant City Manager will conduct an annual driver's license check in or about January and shall maintain a list of driver's license numbers for employees operating City vehicles or driving a personal vehicle on City business. The Assistant City Manager may also do periodical random driving checks in addition to the annual driver's license check.
10. Except according to established department policy or law (e.g. certain policy investigation/apprehension situations), all operator's must obey all traffic laws while driving City vehicles.
11. All operators of City vehicles and passengers must wear seat belts when the vehicle is in operation.
12. All operators are responsible for the interior and exterior cleanliness and appearance of City vehicles.
13. All City vehicles are to be easily recognizable as a City vehicle (i.e. decals, paintings, etc) with the City of Madeira logo located on the driver/passenger doors as directed by the Chief of Police. Exception: unmarked policy vehicles.
14. City vehicles should not be used to commute to and from work. Exceptions are emergency personnel who are required to respond from their residence. Examples: Police Chief, the Canine Unit and the Public Works Supervisor. The Investigator vehicle usage will be

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determined by the Police Chief and City Manager. Exceptions could also be made due to inclement weather and/or training.

15. Performance or routine repairs or vehicle maintenance shall be performed at least quarterly and shall be reported to the department supervisor immediately. The safety committee may perform periodical inspections if necessary.
16. Emergency Road Services – Except for written departmental policies setting forth a different procedure, emergency road services, towing and repair charges for vehicles that are on business away from the City, and directly chargeable to the operator of the vehicle, are reimbursable to the employee after the employee:
 - a. Provides appropriate receipts;
 - b. Submits a request for reimbursement;
 - c. Submits 1 & 2 within thirty days of the incurred expense.
17. Employees, before moving a vehicle, should walk around it to determine if the way is clear for backing up or pulling forward. When a driver is backing a vehicle and another employee is available, the employees shall be stationed to warn the driver of danger and assist in maneuvering the vehicle.
18. Employees shall not leap onto or off moving vehicles and shall use appropriate hand or foot fixtures when mounting or dismounting vehicles.
19. Drivers shall be familiar with the capacity and required clearance for the safe use of the vehicle.
20. Windshields and windows of vehicles shall be kept clean and clear of unnecessary items that may obstruct the driver's vision.
21. All public works and police department employees will be required to take a driver's training course once every three years to satisfy the insurance requirement.
22. Any violation of any part(s) of this policy may result in disciplinary action up to and including termination.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION L: SAFETY

EFFECTIVE DATE: JUNE 1, 1993

REVISION DATE: FEBRUARY 1, 1995; DECEMBER 30, 2005

PURPOSE:

To state general safety guidelines for employees of the City of Madeira.

POLICY:

The health, safety and welfare of all City employees are of major importance. The City is committed to make everyone's job safe in all respects and, therefore, safety is a major responsibility of every employee. All employees are urged to report any hazardous conditions to their immediate supervisors at once. The following is a list of general safety rules and regulations. Additional safety operating procedures for specified work are provided in the City's Safety Manual.

1. Learn the right way to do your job. Never hesitate to ask questions about things you do not understand, especially new jobs.
2. Use and maintain in safe condition the correct equipment and tools for each job.
3. Observe the recommended work procedures developed for each job.
4. Keep the work area in good order. Cluttered floors, aisles, storage and work areas all make your job more difficult as well as more dangerous.
5. Always work at a safe as well as efficient speed. Never hurry foolishly, such as running in aisles or down stairs, taking shortcuts through dangerous areas, or trying to speed up by removing machine guards or safety equipment.
6. Avoid horseplay and practical jokes.
7. Call your supervisor's attention to any unsafe conditions. Make suggestions when you feel they will improve the safety or performance of an operation.
8. If you are injured, report promptly for first aid treatment. Even minor scratches and cuts can become infected unless proper care is taken.
9. Employees are encouraged to understand basic first aid (i.e. CPR and the Heimlich Maneuver). Training may be provided by the City as deemed appropriate.

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SECTION L: Safety

10. Never operate any moving machinery or equipment without implementing all reasonable and/or required safety procedures and equipment.
11. Always wear or use protective equipment as required for every job.
12. These are general guidelines for safety. Special safety rules and regulations are provided in the City's Safety Manual. Refer to this document whenever possible.

All employees must support this safety policy at all times as a condition of employment. Persons who violate any of these safety guidelines, policies, or safety requirements that are listed in the Safety Manual are subject to disciplinary action specified in Section VI (A) of this manual.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION M: ACCIDENT REPORTING PROCEDURE

EFFECTIVE DATE: DECEMBER 30, 2005

PURPOSE:

To state general guidelines for reporting accidents where City Employees are involved while on duty.

POLICY:

The following procedures have been established to ensure the consistency and timeliness of accident or property damage reports filed with the City of Madeira insurance carrier Miami Valley Risk Management Association (MVRMA). It is expected that through the adherence of these procedures by all department, claims will be processed in a prompt and effective manner.

1. It is the responsibility of each employee, in the event of an accident, or incident involving property damage, to immediately notify their supervisor regardless of severity. If unable to reach a supervisor, the employee should contact his or her office to report the situation. Employees are NOT TO LEAVE THE SCENE OF ANY ACCIDENT until cleared to do so by the local Police authority of the jurisdiction in which the accident occurred.
2. The employee's supervisor must notify the Madeira Police Department or local Police authority of the incident, so that an official accident report may be generated.
3. An "Incident Report" form must be filed by the employee with his or her supervisor before the end of the scheduled work shift.
4. Verbal notification of the accident should be made by the employee's supervisor to the office of the Assistant City Manager, no later than 24 hours after the incident occurs.
5. A copy of the loss report and any corresponding police report should be presented by the supervisor to the office of the Assistant City Manager, no later than 72 hours after the incident occurs.

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SECTION N: ACCIDENT INVESTIGATIONS

EFFECTIVE DATE: DECEMBER 30, 2005

PURPOSE:

To state accident investigation procedures for the City of Madeira if an accident occurs while on duty with city property.

POLICY:

- A. Automobile accidents involving city vehicles will be investigated by the jurisdiction where the accident occurred. Auto accidents involving city vehicles occurring within the City of Madeira will first be investigated by the Madeira Police Department. All other accidents, incidents, near misses, and the like will be investigated by the Supervisor in Charge at the time.
- B. Automobile accidents involving any City of Madeira vehicles occurring within the City of Madeira.
 - 1. Accidents will be investigated by a Madeira Police supervisor or senior-most patrolman on duty who is not involved in the accident.
 - 2. The accident report will be completed prior to the investigating officer ending their tour of duty and submitted to the Chief of Police for review.
 - 3. In the event of serious personal injury or serious property damage, the appropriate supervisor will be notified IMMEDIATELY. The supervisor will:
 - a. Respond to the scene to coordinate the investigation.
 - b. Make a determination as to who will investigate the automobile accident. The supervisor on duty or officer-in-charge will decide as to whether the accident will be investigated by the Madeira Police Department or by an independent agency (i.e. Hamilton County Sheriff's Office).
 - c. Submit a memo to the Chief of Police outlining any recommendation concerning the accident, to include, but not limited to, the following:

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- Appropriateness of the employee(s) involved actions.
 - Recommendations concerning disciplinary actions, if any.
 - As soon as practical after the accident, a memo will be prepared by the officer(s) involved outlining how the crash occurred. This memo will be forwarded to the Chief of Police and the employee(s) immediate supervisor for review.
- C. After the accident/incident has been investigated by the Madeira Police Department, a report shall be generated by the Chief of Police and sent to the Assistant City Manager for review. The Assistant City Manager will then pass along the report to the Safety Committee for their review and final recommendations which may include disciplinary actions, recommendations on how to prevent this accident from happening again, or purchases to fix a severe problem.
- D. All other accidents/incidents involving any city employee(s) will be investigated by the Safety Committee. The Safety Committee will generate a report which will make final recommendations to the Supervisor-in-Charge on disciplinary actions, accident prevention, or purchases to fix equipment, etc.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION O: CODE OF ETHICS

EFFECTIVE DATE: MAY 20, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state a general ethical code of behavior for City employees.

POLICY:

Public employment is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. A desire for professional status, and devotion to service above self, are the motives which impel a public employee to discharge their responsibility in full measure.

Public employees do not seek to benefit personally by any confidential information which comes to them by virtue of their assignment. They are faithful and loyal to their organization, constantly striving to cooperate and to promote better relations with all public agencies and their representatives in matters of mutual interest and obligation.

Public employees refrain from any and all activities which are not in accordance with those responsibilities which are part of their duties. Such activities are considered to be in a conflict of interest with public employment.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position with the City.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II: CONDITIONS OF EMPLOYMENT

**SECTION P: ALCOHOL AND DRUG TESTING FOR ALL
EMPLOYEES**

EFFECTIVE DATE: FEBRUARY 13, 1996

REVISED DATE: NOVEMBER 18, 1996; AUGUST 26, 2002

PURPOSE:

The purpose of this Policy is to comply with all applicable federal regulations adopted by the Federal Highway Administration (FHWA) that mandate alcohol and drug testing and establish testing standards for covered, “safety-sensitive” employees that operate “commercial motor vehicles.” This Policy supplements, but does not replace or change, all existing policies and agreements concerning the use of, and testing for, alcohol and drugs, unless otherwise required by law or regulation.

POLICY:

1. The Assistant City Manager is the person designated to: (a) answer questions about these materials and the implementation of the FHWA regulations; (b) to receive confidential information regarding alcohol and drug testing results; and receive confidential information from Substance Abuse Professionals.

2. The Public expects our services to be delivered in the safest and most conscientious manner possible. Involvement with drugs and alcohol can adversely affect job performance and employee safety. The presence of drugs or alcohol on the job, and the influence of these substances on employees during working hours, is inconsistent with our objective of maintaining a drug and alcohol-free workplace.

3. Employees who think they may have an alcohol or drug usage problem are urged to come forward voluntarily and seek assistance from their physician. While we will be supportive of those who seek help voluntarily, the City of Madeira will be equally firm in identifying and disciplining those who are, or continue to be, substance abusers and who do not seek help.

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4. It is not the purpose of this policy to create an express or implied warranty to the public at large or other employees that all employees subject to this policy refrain from alcohol abuse, drug misuse, or controlled substance use. The City further does not guarantee or warrant to the public at large or to other employees that the City has detected or will in every instance detect that a violation of this policy has occurred before some injurious result occurs.

A. COVERED EMPLOYEES

This Policy applies to all employees who operate a commercial motor vehicle to carry out their job duties or who are required as a condition of employment to possess and maintain a commercial driver's license (CDL). Participation in the Alcohol and Drug Testing Program is required for covered employees and is considered to be a condition of employment.

A "commercial motor vehicle" is a vehicle that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

B. SAFETY SENSITIVE FUNCTIONS

The FHWA alcohol and drug rules apply to covered employees when performing safety-sensitive functions. "Safety-sensitive" functions under these rules include any of the following:

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SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All time driving a commercial motor vehicle;
4. All other time spent in or on any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent dealing with a commercial motor vehicle accident; and
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

C. PROHIBITED CONDUCT

The FHWA regulations include the following rules on prohibited conduct:

1. No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration 0.04 or greater (see paragraph I of this Policy on alcohol concentrations between .02 and .04);
2. No covered employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment;
3. No covered employee shall use alcohol while performing safety-sensitive functions;
4. No covered employee shall perform safety-sensitive functions within four hours after using alcohol;
5. No covered employee shall use alcohol for eight hours following an accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first;
6. No covered employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or follow-up alcohol or drug test; and

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SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

7. No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

D. SUPERVISOR RESPONSIBILITIES

Supervisors must not permit a covered employee to perform safety-sensitive functions if they have reason to suspect that the employee is under the influence of alcohol or controlled substances such that a supervisor could require an employee to be tested for the presence of alcohol or controlled substances pursuant to Section F(4) of this policy, or if they have actual knowledge that the employee:

1. Has a blood alcohol concentration of .02 or greater;
2. Has alcohol in their possession;
3. Is using alcohol on the job;
4. Has used alcohol within the past four hours;
5. Refused to submit to an alcohol or drug test required by this Policy;
6. Has used a controlled substance; or
7. Tested positive for drugs.

E. ALCOHOL AND DRUG TESTING

In addition to alcohol, the substances for which the covered employee will be tested include, but are not limited to, the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). Testing for alcohol concentration will be through the evidential breath testing procedure. Testing for controlled substances will be accomplished through urine sampling. The covered employee may be required to sign an authorization form permitting the medical facility to conduct the test and release the results to the Medical Review Officer and the City of Madeira. An employee is subject to FHWA mandatory testing for alcohol and drugs under the following circumstances:

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1. Pre-Employment/Pre-Duty Testing - An applicant or newly hired employee for a covered position must be tested for alcohol and drugs before the first time the driver performs any safety-sensitive function. In order to return to duty involving safety-sensitive functions, the driver must test with an alcohol concentration level of less than 0.02 and/or test negative for controlled substance use.

2. Post-Accident Testing - A covered employee must be tested for alcohol and drugs as soon as practicable following an accident involving commercial motor vehicle, if:
 - a. The employee was performing a safety-sensitive function with respect to the vehicle, and the accident resulted in the loss of a human life (whether or not the driver caused the accident), or
 - b. The employee receives a citation under state or local law for a moving violation arising out of the accident.

In the case of post-accident testing for drugs, the driver must: (1) immediately notify the City Manager of the accident; and (2) remain readily available for testing. An employee required to comply with the post-accident testing procedure will be compensated for his/her regularly scheduled shift as well as for time spent traveling to the testing facility and time spent providing the appropriate sample at the testing facility if the time at which the test is conducted does not fall within the employee's regular shift.

The designated drug/alcohol testing personnel or facility shall administer the tests as soon as possible, but not more than eight hours after the accident in the case of alcohol testing, and not more than 32 hours after the accident in the case of controlled substance testing. In the case of alcohol testing, if the test is not conducted within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If a post-accident test is not administered within eight hours in the case of alcohol testing and 32 hours in the case of controlled substance testing, the employer shall cease attempts to

ARTICLE II. Conditions of Employment

SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

administer a test and shall prepare and maintain a record stating the reasons a test was not administered.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test may be used by the City of Madeira to satisfy the post-accident testing requirements of the federal regulations, so long as the procedures employed by the testing facility comply with the requirements of 49 CFR Part 40. The City may require that an employee subject to post-accident testing execute a release which would permit the City to obtain the results of a blood, breath or urine test performed by or for Federal, State or local officials prior to allowing the employee to return to work.

Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

3. Random Testing - Employees will be randomly selected for unannounced alcohol and drug testing. Selection of employees to be tested will be made by Jewish Hospital, the facility conducting the testing for the City. Jewish Hospital will notify the Assistant City Manager which employees are to be tested who will then notify the selected employees. Employees will not receive advance notice of their selection for testing and any employee who is selected for testing on a day that he/she is not scheduled to work will not be required to report for the testing. An alternate will then be selected. A sufficient number of alternates shall be selected to ensure that the minimum required number of employees will be tested. The minimum annual percentage rate for random alcohol testing will be 25% of the average number of driver positions. The minimum annual percentage for random drug testing will be 50% of the average number of driver positions. Employees will be selected on a random basis which assures that all drivers have an equal chance of being tested. The dates for testing will

ARTICLE II. Conditions of Employment

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be spread out throughout the calendar year and will be unannounced. A driver shall only be tested for the presence of alcohol while, just prior to, or just after performing safety-sensitive functions.

4. Reasonable Suspicion Testing - An employee must be tested for alcohol or drugs if there is reasonable suspicion that a driver has violated the rules on the use of alcohol or drugs. Reasonable suspicion will be based on specific, current, describable, observations concerning the appearance, behavior, speech or body odors of the employee made during, just preceding, or just after the period of the work day that the employee is performing a safety-sensitive function. The observation and determination that a reasonable suspicion exists will be made by a supervisor, manager or other Company official trained in detecting the symptoms of alcohol and drug use. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

In the case of alcohol testing, if the test is not conducted within two hours following the observation of behavior which lead to the ordering of the test, the employer shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If an alcohol test is not administered within eight hours of the observation of behavior leading to the ordering of the test, the employer shall cease attempts to administer a test and shall prepare and maintain a record stating the reasons a test was not administered.

An employer who orders a controlled substance test of an employee must prepare and maintain a written record articulating the observations leading to the decision to require the test. This report must be prepared within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier, and must be signed by the supervisor or company official who made the observations.

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SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

5. Return to Duty Testing - An employee must be tested for alcohol and drugs before returning to any safety-sensitive duties following a violation of the FHWA alcohol or drug rules.

6. Follow up Testing - A covered employee who has been identified by a Substance Abuse Professional as needing assistance in resolving problems with alcohol or drugs and who has returned to duty is subject to a minimum of six follow-up alcohol or drug tests over the first 12 months following the return to duty. The substance abuse professional may require the employee to undergo additional alcohol or drug testing for up to 60 months.

All alcohol and drug testing done under the FHWA rules will comply with 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. These procedures require separate screening and confirmation tests and a number of other procedures which are intended to protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.

F. REFUSAL TO SUBMIT TO AN ALCOHOL OR DRUG TEST

1. The FHWA rules mandate that an employee submit to the alcohol and drug required by the FHWA rules. A refusal to submit is itself a violation of the FHWA rules.
2. A refusal to submit to an alcohol or drug test includes any of the following conduct:
 - a. Failure to provide adequate breath for alcohol testing, without a valid medical explanation, after the driver has received notice of the requirement for alcohol testing under the FHWA rules;
 - b. Failure to provide adequate urine for drug testing, without a valid medical explanation, after the driver has received notice of the requirement for drug testing under the FHWA rules;
 - c. Engaging in conduct that clearly obstructs the testing process; and

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- d. Failure to remain readily available for testing following an accident involving a commercial motor vehicle.
3. A refusal to take an alcohol or drug test required by the FHWA rules will have the following minimum consequences:
- a. An applicant who refuses a pre-employment/pre-duty test will not be hired;
 - b. A covered employee who refuses a return-to-duty test will not be returned to duty; and
 - c. A covered employee who refuses a post-accident, random, reasonable suspicion, or follow-up test will be treated as if he/she had a positive test result, as described in Paragraph H, which follows.

A covered employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately and subject to discipline up to and including dismissal. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

G. COVERED EMPLOYEES WHO VIOLATE THE FHWA RULES ON ALCOHOL OR DRUGS WILL:

1. Be removed from all safety-sensitive functions and placed on an unpaid leave of absence, unless otherwise determined by the City Manager;
2. Be referred to and evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol or drugs;
3. Not be returned to work unless the covered employee passes a return-to-duty alcohol test (if the violation involved alcohol) or a return-to-duty drug test (if the violation involved drugs) and has properly followed any rehabilitation program prescribed by the Substance Abuse Professional; and

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4. Be subject to FHWA mandated unannounced follow-up drug and alcohol testing, including a minimum of six tests during the first 12 months following the covered employee's return to work.

These are the minimum consequences mandated by the FHWA rules. The City of Madeira may take additional disciplinary action, up to and including dismissal, for conduct which violates work rules or policies.

H. ALCOHOL TEST RESULT BETWEEN .02 AND .04

A positive alcohol test is defined by the FHWA rules as a test finding an alcohol concentration of .04 or greater. However, if a covered employee's alcohol test finding is between .02 and .04, the covered employee must be removed from duty until the covered employee's next regularly scheduled duty period, but not less than 24 hours following the test.

I. EMPLOYEE REQUESTED CONFIRMATION TESTING

A covered employee who questions the results of a required drug test may request that an additional test be conducted at a different DHHS-certified laboratory. The test will be conducted on the split sample that was provided at the same time as the original sample. The cost of the second test will be borne by the employee, unless the second test invalidates the first.

The method of collecting, storing and testing the split sample is as prescribed by the procedures in 49 CFR Part 40. The employee's request for a split sample test must be made to the designated Medical Review Officer within 72 hours of notice of the initial test result. Requests after 72 hours will be accepted only if the delay was due to documentable facts that were beyond the control of the employee.

J. CONFIDENTIALITY

Laboratory reports or test results shall not appear in a covered employee's general personnel folder.

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Information of this nature will be secured in a separate confidential folder in the Administrative Department. The reports or test results may be disclosed to management on a need-to-know basis and to the tested employee upon request. Any employee who tests positive for the presence of controlled substances will receive this information from the Medical Review Officer that contacts the employee to verify the results of the test. The City of Madeira may also disclose confidential information pertaining to an employee to the decision makers in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and arising from the results of an alcohol and/or controlled substance test administered under FHWA rules, or from the City Manager's determination that the employee engaged in prohibited conduct.

K. FHWA MANDATED ALCOHOL/DRUG EVALUATION/TREATMENT

Employees who test positive for the presence of alcohol or illegal drugs will be referred to, and evaluated by, a Substance Abuse Professional (SAP). A Substance Abuse Professional is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders. The Substance Abuse Professional will evaluate each employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse of alcohol.

Under certain circumstances, including positive alcohol or drug tests, employees may be required to undergo treatment for substance abuse. If an employee is not discharged, but is allowed to return to duty after such evaluation and/or treatment, he/she must properly follow the rehabilitation program prescribed by the Substance Abuse Professional, must pass the return to duty alcohol and drug test(s) and be subject to unannounced follow-up tests for a period of one to five years, as determined by the Substance Abuse Professional or as required by federal law. Any employee who refuses treatment when required, or fails to comply with the Individualized Treatment Plan prescribed by the Substance Abuse Professional for treatment, aftercare, or return to duty, shall be subject to disciplinary action, up to and including discharge.

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SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

L. ADDITIONAL ALCOHOL AND DRUG INFORMATION

1. Additional information concerning the effects of alcohol and drug use, and the signs and symptoms of an alcohol or drug problem, will be periodically provided to covered employees and their supervisors.
2. Copies of the FHWA rules on alcohol and drug use and testing, 49 CFR Part 382, and the Department of Transportation rule on procedures for Transportation Workplace drug and alcohol Testing Programs, 49 CFR Part 40, are available for review in the Administrative Offices.
3. Employees are urged to request assistance with any drug or alcohol problem before disciplinary action is necessary. If an employee advises the City of Madeira of a drug or alcohol problem, the employee will be urged to receive counseling and, if appropriate and necessary, will be permitted to take accrued paid sick leave or vacation to receive the recommended treatment. If an employee has exhausted accrued paid sick leave and vacation, he/she may apply for an unpaid personal leave of absence for the period of time necessary to receive the recommended treatment. Any employee who advises the City of a drug or alcohol problem will not be permitted to return to a safety-sensitive position until after successfully completing a test for the presence of controlled substances or alcohol.
4. Alcohol and drug dependencies are treatable. Employees covered by City of Madeira sponsored health insurance have limited coverage for treatment of alcoholism and drug dependency. Any costs associated with treatment that are not covered by insurance will be the responsibility of the employee.
5. Employees who suspect that another employee is in violation of the FHWA alcohol and drugs should immediately report their suspicion, and the basis for it, to their supervisor or to the City Manager, so that appropriate action may be taken, and a potentially unsafe situation avoided.
6. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) reported in 1987 that two of every three adults in the United States drink, but 10 percent of those drinkers consume half of the nation's beer, wine and liquor. According to the National Institute on Drug Abuse (NIDA), an estimated 17 million U.S. adults are

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SECTION P: Alcohol and Drug Testing for Employees Who Operate Commercial Motor Vehicles

alcoholics. The cost to society from alcohol misuse is enormous. The potential effects include lost lives, personal injuries, property damage, lost productivity, absenteeism, increased health care costs and environmental damage.

7. In 1987, the NIAAA estimated the economic costs to society of alcohol misuse to be nearly \$117 billion a year, including \$18 billion from premature deaths, \$66 billion in lost productivity and \$13 billion for rehabilitation.
8. In 1990, the national Transportation Safety Board (NTSB) published the results of a study of alcohol and other drugs used by CMV operators in fatal to the driver, heavy truck accidents. Thirteen percent of the fatally injured drivers tested positive for alcohol. Another 20 percent of the drivers tested positive for drugs.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION Q: MEDIA CONTACTS

EFFECTIVE DATE: JUNE 5, 1996

PURPOSE:

To state general guidelines for employees of the City of Madeira regarding contacts with the news media:

POLICY:

During the course of an individual's official capacity as a City employee they may be asked to respond to a situation or an issue by a news reporter. Statements made by employees to a news reporter can reflect on the entire City organization. The State of Ohio Law states that it is a misdemeanor to knowingly make a false statement to a news media employee in the course of an employee's duty. A claim resulting from a non-factual statement from an employee would have negative effects upon the City. If an employee is approached by a news reporter, questions should be referred to the City Manager. When this is not possible, all remarks or comments should be limited to factual statements.

Questions regarding media contacts should be directed to your department head or to the City Manager.

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ARTICLE II: CONDITIONS OF EMPLOYMENT

SECTION R: COMPUTER AND INTERNET USE

EFFECTIVE DATE: MAY 23, 2006

PURPOSE:

Access to the City computer network resources, including the Internet and email, has been provided to staff members for the benefit of the organization and its customers. It allows employees to connect to information resources locally and around the world. Every staff member has a responsibility to maintain and enhance the City's public image and to use the network in a productive manner.

POLICY:

To ensure that all employees are responsible, productive network users and are protecting the City's public image, the following guidelines have been established for using the City network and Internet resources.

DEFINITIONS:

Computer Network: Computer Network refers to all services, software, and hardware that are part of the City of Madeira computer network. These include, but are not limited to email, voicemail, databases, network servers, computers, internet and intranet.

PROCEDURE:

A. Computer Network Usage

1. Acceptable uses of the Computer Network – Employees accessing the computer network are representing the City and should thus use it in effective, ethical and lawful manner. The computer network may be used to conduct official city business and to obtain technical or analytical advice. Databases may be accessed for informational purposes and email may be used for business contacts.

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SECTION R Computer and Internet Use

2. Unacceptable use of the Computer Network – The computer network should not be used for personal gain or advancement of individual views. Solicitation of non-City business or any use of the computer network for personal gain is strictly prohibited. Use of the computer network must not disrupt the operation of the company network or interfere with employee productivity. Listening to online radio and television stations is prohibited unless the material is directly related to official City duties.

B. Communications

1. The City computer network shall not be used to create, transmit, or intentionally receive communications that are intimidating or unlawful, or that contain hostile, degrading, sexually explicit, or otherwise offensive references to people based on their race, sex, national origin, religion, age over forty, disability status, or sexual orientation. All determinations as to which shall be made in the sole judgment and discretion of the City. This applies to all network equipment, whether desktop or portable.
2. Causing congestion on the network by such things as the propagation of chain email (electronic chain letters), broadcasting inappropriate messages to lists or individuals, or excessive use of the data storage space on the email server are unacceptable use of the city email systems. DO NOT FORWARD CHAIN EMAILS.

C. Software

1. Only authorized, legal computer software purchased by the City may be loaded and used on City computers. Software license agreements must also be strictly followed. Illegal software not purchased by the City or found on City computers in violation of license agreements will be removed immediately by the Assistant to the Treasurer.
2. City purchased software is not to be copied by any person other than the Assistant to the Treasurer, and then only for the purpose of authorized, legal copies for archive and backup purposes.
3. Any damage incurred by the City of Madeira due to violation of copyright law and/or software license agreements as outlined in this policy will be the responsibility of the individual violator(s).

ARTICLE II: Conditions of Employment

SECTION R: Computer and Internet Use

D. Workstation Access

1. Users must log off at the end of the duty day and shut down the computer at least once a week unless otherwise directed by the Assistant to the Treasurer.
2. Network assets must be protected from natural threats, physical disasters, human threats and other identified physical threats. The following requirements apply:
 - a. Eating and drinking around network assets should be kept to a minimum.
 - b. The exterior of computers must be kept clean and neat. Vents on the computer systems shall not be obstructed.
 - c. Surge protection or some form of electrical power conditioning must be installed on all electrical power sources serving network resources.
 - d. Fire extinguishers must be readily accessible in all areas.

E. Game Software – Game software is not allowed on city computers. On-line gaming is not allowed on government networks.

F. Passwords – Users shall not disclose their passwords or otherwise make the City’s network available to unauthorized individuals.

G. Disclosure

1. The computer network is City property and employees are prohibited from placing any personal information in the network.
2. Employees have no personal privacy right in any communication or document created, received, or stored in the computer network.
3. The City reserves the right to monitor or to otherwise access the computer network to read and/or delete any communication or document in the computer network.
4. Password protection does not ensure privacy of confidentiality. Do not create or transmit any material that may cause embarrassment to you or to the City.
5. Sexual or other harassment policies apply fully to the computer network.

ARTICLE II: Conditions of Employment

SECTION R: Computer and Internet Use

H. Violations – Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary, the City will advise appropriate legal officials of any illegal violations.

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ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION S: SMOKING IN CITY OWNED PROPERTY

EFFECTIVE DATE: AUGUST 18, 2005

REVISION DATE: MAY 26, 2006

PURPOSE:

To state the smoking policy for the City of Madeira.

POLICY:

It is the goal of the city to provide a healthy and safe work environment for all employees. As such, it is important to establish regulations which govern the use of tobacco while employees are on duty.

The use of smoking tobacco products will be restricted under the following regulations:

1. Smoking will not be permitted within any public building, shelter or confined space where other workers or the public may be present.
2. Smoking will be permitted outside of the buildings, shelters and confined spaces at all times as long as it does not present a significant danger (i.e. around combustible materials, etc.) to the workers or the public.
3. Smoking will not be permitted in any public vehicle while the employee is on duty and when other employees or the public is present within the vehicle.

Violation of this policy may result in disciplinary action as defined within the collective bargaining agreements and/or this policy book.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION T: SOCIAL MEDIA POLICY

EFFECTIVE DATE: JANUARY 21, 2015

REVISED: JUNE 20, 2015

PURPOSE:

This policy establishes guidelines for the establishment and use by the City of Madeira of social media sites (including but not limited to Facebook and Twitter) as a means of conveying City of Madeira information to its residents, corporate citizens, guests and fans.

The intended purpose behind establishing City of Madeira social media sites is to disseminate information about the City's events, news, information, etc.

The City of Madeira has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites.

For purposes of this policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media (including but not limited to) are Facebook, YouTube, Twitter, LinkedIn, Pinterest and Instagram. For purposes of this policy, "comments" include information, articles, pictures, videos or any other form of communicative content posted on a City of Madeira social media site.

POLICY:

General Policy:

1. The establishment and use by the City of social media sites are subject to approval by the City Manager or his/her designees. All City of Madeira social media sites shall be administered by City of Madeira staff.
2. The social media sites maintained by the City should make clear that they are maintained by the City of Madeira and that they follow the Social Media Policy.
3. Wherever possible, social media sites should link back to the official City of Madeira website for forms, documents, online services and other information necessary to conduct business with the City of Madeira.
4. A staff representative from the City will monitor content on the social media sites to ensure adherence to both the Social Media Policy and the interest and goals of the City of Madeira.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law per the Comment Policy and the Public Information and Retention Policy
6. These guidelines must be displayed to users or made available by hyperlink.

7. The City will approach the use of social media tools as consistently as possible, enterprise wide.
8. The City of Madeira's website at <http://www.madeiracity.com> will remain the City's primary and predominant internet presence for official information.
9. All social media sites maintained by the City shall adhere to applicable federal, state and local laws, regulations and policies.
10. The City's social media sites are subject to the Ohio Public Records Act. Any content maintained in a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
11. Comments on topics or issues not within the jurisdictional purview of the City of Madeira may be removed per the Comment Policy and the Public Information and Retention Policy
12. Employees representing the City through these social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. No employee or agent of the City of Madeira shall use the City of Madeira social media site as a tool to express personal opinion, editorialize, or promote personal agendas.
13. This Social Media Policy may be revised at any time.

Comment Policy:

1. As a public entity the City of Madeira must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing City of Madeira social media sites is to disseminate information from the City, about the City, to its residents, corporate citizens, guests and fans.
3. Comments containing any of the following inappropriate forms of content shall not be permitted on City of Madeira social media sites and are subject to removal and/or restriction:
 - a. Comments not related to the original topic, including random or unintelligible comments;
 - b. Profane, obscene, violent, or pornographic content and/or language;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, sexual orientation, or national origin;
 - d. Defamatory or personal attacks;
 - e. Threats to any person or organization;
 - f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
 - g. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - h. Conduct in violation of any federal, state or local law;
 - i. Encouragement of illegal activity;
 - j. Information that may tend to compromise the safety or security of the public or public systems; or
 - k. Content that violates a legal ownership interest, such as a copyright, of any party.
4. A comment posted by a member of the public on any City of Madeira social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Madeira, nor do such comments necessarily reflect the opinions or policies of the City of Madeira.
5. The City of Madeira reserves the right to deny access to City of Madeira social media sites for any individual, who violates the City of Madeira's Social Media Policy, at any time and without prior notice.
6. The City shall monitor their social media sites for comments requesting responses and for comments in violation of this policy.

7. When a City of Madeira employee responds to a comment, in his/her capacity as a City of Madeira employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.
8. All comments posted to any City of Madeira's Facebook sites are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the City of Madeira reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

Public Information and Retention Policy:

1. Information being placed on the social media site constitutes a public record (O.R.C. 149.43). The City of Madeira will determine if the information is the primary record or a secondary copy. If the information is duplicated elsewhere (i.e. Press Release), the record will be considered a secondary copy. If the information is the "primary record," the information must be retained in accordance with agency records retention and disposition policy.
2. The existing retention schedules can be applied to social media content.
3. Retention of communications sent and received through social media will be managed in accordance with existing communication or e-mail policies established by the City of Madeira.
4. Information posted on social media is considered available indefinitely through the third party social media site. The City of Madeira will make a good faith effort to not post information that may require future deletion or removal.
5. Any "comment" deemed inappropriate under this policy will be removed; however, a hard/paper copy of the "comment" shall be retained in compliance with the Ohio Public Records Laws.
6. To the extent that the third party records retention policies are inconsistent with the City of Madeira Records Retention policies, The City of Madeira will put forth reasonable efforts to archive copies of social media content in order to meet State records retention obligations.

CITY OF MADEIRA

PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION U: USE OF CITY CREDIT CARD

EFFECTIVE DATE: OCTOBER 29, 2015

PURPOSE:

This policy applies to all employees, volunteers, appointed and elected officials of the City of Madeira, referred to as cardholders for the purpose of this policy.

Cardholders and their supervisors are responsible for ensuring that they adhere to the City of Madeira Credit Card Policy, thereby ensuring adequate controls are exercised to eliminate the risk that the credit card is used for fraudulent or corrupt purposes.

POLICY:

Cardholders are eligible to use the credit card for online purchases (for those transactions where we cannot open an account with the company), hotel reservations, purchases from vendors where we cannot open an account OR in an emergency. If an account can be setup, we will do so.

The credit card cannot be used for cash advances, personal use, food while traveling, or alcohol. If you are unsure as to what is an approved purchase, check with the City Manager or Assistant Treasurer.

The credit card is to be used only for official City business, not personal expenses. Charging personal expenses to the City credit card is not acceptable under any circumstance. Any infraction of the condition of this policy could result in termination of your card privileges for future use. Breaching this policy can lead to disciplinary action against the cardholder up to and including dismissal. In all cases of misuse, the City reserves the right to recover any monies from the cardholder. Before your first use of the credit card, you will be required to sign a declaration authorizing the City to recover, from your salary or any other means available, any amount not approved or incorrectly charged.

In order to use the City credit card, a Purchase/Check Requisition form must be filled out and approved by department heads and/or the city manager in advance. If you are unsure of the amount of the purchase you may submit an estimate. This form will be kept in the Finance/Tax office and kept with the original receipt to be matched up to the credit card statement.

All original receipts must be submitted after the purchase is made, along with the credit card, to the Finance/Tax Office. If all paperwork is not submitted, the City may disallow the charge and may recover the money from your paycheck.

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION U: USE OF CITY CREDIT CARD

Before any money is recovered from an employee through payroll deduction, the employee will be notified by email to resolve the issue. If the employee is unable to resolve the issue, the money will be deducted from the employee's paycheck and disciplinary action may be taken.

Employees are responsible for the following security measures:

- You must retain transactional evidence to support all charges. An acceptable receipt for reimbursements of claimable business expenses on the City Credit Card is an original receipt. The more information the better.
- Card purchases without receipts are ultimately the responsibility of the user. A failure to provide receipts or credible explanation for the unsupported expenditure could result in a deduction from the cardholder's pay.
- Return of goods and/or services must be credited directly to the credit card account. No cash should be received by the employee.
- Lost or stolen cards must be reported and cancelled immediately by calling the City Manager or Assistant Treasurer immediately. (513.623.3058 or 513.886.0835)
- Prior to departure, resignation or termination of duties with the City of Madeira, the employee must reconcile all purchases or they will be deducted from your final pay check.

Declaration to use City of Madeira Credit Card

Employee Name: _____

Position: _____

I understand and agree to all terms set forth in the City of Madeira credit card policy and that:

- I bear ultimate responsibility for the card.
- I have received and read the City credit card policy.
- I will not use the City credit card to withdraw cash.
- I will not use the City credit card for personal expenses and will use it only for approved official business on behalf of the City of Madeira.
- If I misuse the card (i.e., use it otherwise than in accordance with the instructions given to me in this agreement or related policies) or otherwise fail to return the card along with the original receipt, I authorize the City of Madeira to deduct the funds through payroll deductions for any amounts incorrectly claimed.
- If the corporate credit card is lost or stolen, I will report it immediately to the City Manager or Assistant Treasurer.
- If I resign from the company, I will return the card with original receipts of all expenditures made prior to departure.

Signature of cardholder/employee

Date

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE III. COMPENSATION

SECTION A: SCHEDULE OF WAGES

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the basis of salaries and wages for employment with the City.

POLICY:

An employee of the City shall be paid a salary or wage in accordance with the salary schedules approved by the City Council of Madeira. The City Manager shall recommend changes in the salary and wage schedule for Council's consideration annually and/or within a schedule designated by a bargaining unit agreement.

The compensation of any employee in the classified service of the Civil Service, shall be uniform for positions within the same service, group, and grade.

The compensation of non-union contract employees may vary depending on job responsibilities and experience as defined by position descriptions, current cost of living information, and employee performance evaluations.

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ARTICLE III. COMPENSATION

SECTION B: WORK WEEK

EFFECTIVE DATE: JUNE 16, 1982

**REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995;
 AUGUST 26, 2002**

PURPOSE:

To state the minimum number of required work hours a regular, full-time employee of the City will work.

POLICY:

A Service Department classified employee's standard work week shall consist of forty (40) hours within a seven (7) day period. A Police Department classified employee's work period shall consist of eighty (80) hours within a fourteen (14) day period. All other permanent full-time employees shall be required to work five (5), eight (8) hour days or a total of forty (40) hours per week.

Work schedules for each department shall be prepared by the department head and approved by the City Manager. The City Manager shall be the deciding authority concerning changes in hours of work and changes involving excess hours over regular work schedules.

Exempt (salaried) employees/department heads may request adjustments in work schedules/flex-time. Authorization for any such adjustments must be approved by the City Manager.

**CITY OF MADEIRA
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ARTICLE III. COMPENSATION

SECTION C: SALARY ADJUSTMENTS

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the policy concerning adjustment of salary or wage in the case of employee promotion or reclassification.

POLICY:

Employees of the City shall receive a salary or wage adjustment commensurate with whatever promotion or reclassification they may receive. Such adjustment in salary or wage will be effective on the date the promotion or reclassification takes effect.

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ARTICLE III. COMPENSATION

**SECTION D: TEMPORARY PROMOTION, TRANSFER
AND RECLASSIFICATION PAY**

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the policy of the City regarding employee compensation during a temporary promotion, transfer or reclassification.

POLICY:

Any employee of the City who is promoted, transferred, or reclassified temporarily, shall receive compensation for such service at a rate determined by the City Manager. Should a temporary appointment be required to fill a vacancy in the position of City Manager, City Council shall determine the amount of compensation for such temporary service.

**CITY OF MADEIRA
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ARTICLE III. COMPENSATION

SECTION E: OVERTIME/COMPENSATORY TIME

EFFECTIVE DATE: JUNE 16, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state the City's position regarding overtime.

POLICY:

The City shall keep to a minimum work in excess of established schedules and shall permit such work only when it is necessary to meet urgent operating requirements of the City.

The City Manager shall designate those persons who shall be compensated by cash compensation for hours worked in excess of the normal work week. The City Manager shall also designate other supervisory and administrative classes which shall not ordinarily be eligible for overtime compensation.

Overtime compensation, when authorized, shall be at a rate of one and one half (1-1/2) times the employee's hourly rate.

Compensatory time, in lieu of overtime compensation, may be requested in writing (use Request for Time-off Form) by employees who are paid an hourly wage. All compensatory time shall be approved by the department head. Accumulation of compensatory time shall not exceed forty (40) hours unless approved by the City Manager.

For the purpose of this Policy, overtime shall be paid on all time in excess of the established work week (40 hours). Calculation of the overtime will include all time for which the employee receives compensation including vacation, sick leave, injury leave and personal days.

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ARTICLE III. COMPENSATION

SECTION F: CALCULATION OF TERMINATION PAY

EFFECTIVE DATE: JUNE 1, 1993

REVISION DATE: FEBRUARY 1, 1995

PURPOSE:

To state the process by which an employee's final pay is calculated upon termination or separation from employment.

POLICY:

Non-Exempt (Hourly) Employees

For an employee whose wage rate is established by the hour, the City shall pay at the earned rate for all hours worked during the pay period and for all earned but unused vacation hours, compensatory hours and other paid time accrued and allowable as described in the Policy Manual.

Exempt (Salaried) Employees

For an employee whose compensation is established as an amount per year, each pay period shall be considered to have ten (10) days, (two Monday through Friday periods) and the employee shall receive compensation for all days worked within the last pay period, in addition to pay for all earned but unused vacation hours, and other paid time accrued and allowable as described in this Policy Manual. For purposes of determining an hourly rate for vacation and other compensated time, the stated annual salary shall be divided by 2080 hours.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION A: HEALTH RELATED INSURANCES

EFFECTIVE DATE: JUNE 29, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state what health related insurances are available to permanent full-time employees of the City.

POLICY:

MEDICAL AND DENTAL INSURANCES - The City shall provide, by ordinance of Council, all permanent full-time employees medical and dental insurance programs selected by the City. For a complete description of medical and/or dental insurance benefits, please review your policies.

Insurance is to be applied for at the time of hire and it is the employee's responsibility to obtain all necessary forms from and return them to the Assistant City Manager.

Who is Covered - An "individual" contract covers only the employee. A "family" contract covers the employee, spouse and all eligible dependents. To determine who is an eligible dependent, review your policies.

Reporting Changes in Status - Changes in eligibility may occur if there is a marriage, separation, divorce, birth, adoption, or death in the family or if a child reaches the age on which they are no longer covered by the group health policy. It is the responsibility of the employee to submit, in writing to the Assistant City Manager, all changes in eligibility, as well as changes in name, address or other information necessary to keep insurance records accurate.

Policy Premiums - For eligible non-contractual employees, the City shall pay whatever portion of the premium cost is prescribed by the annual compensation ordinance approved by the City Council. The employee will pay the premium balance, if any, through payroll deduction. For eligible

ARTICLE IV. Employee Benefits

SECTION A: Health Related Insurances

collective bargaining unit employees, the City shall pay whatever portion of the premium cost is prescribed in the employee's respective collective bargaining agreement approved by the City Council.

LIFE INSURANCE - The City may provide a life insurance policy for permanent full-time employees when required by the health insurance carrier for health insurance coverage.

Who is eligible - Only the employee is eligible for coverage. Insurance is to be applied for at the time of hire and it is the employee's responsibility to obtain all necessary forms from and return them to the Assistant City Manager.

Reporting Changes in Status and Policy Premiums - Same requirements as for medical and dental insurance listed above. Note: Changes in Life Insurance Beneficiaries should be reported immediately.

ADDITIONAL INSURANCES - The City may from time to time offer or provide other insurances to permanent full-time employees. Any additional insurance will be approved by Ordinance for non-contractual employees or by the respective agreement for collective bargaining unit employees as approved by the City Council. The payment of premiums for any additional insurance will be determined by ordinance for non-contractual employees or by the respective agreement for collective bargaining unit employees as approved by the City Council.

DRUG PRESCRIPTION REIMBURSEMENT POLICY – The City of Madeira agrees to reimburse all full-time employees who are covered under the current Health Insurance Program for drug prescriptions in the following manner:

- A. All full-time eligible employees are provided a major medical health plan which includes a drug prescription card. The drug card co-pay may vary depending on the health plan and/or carrier.

ARTICLE IV. Employee Benefits

SECTION A: Health Related Insurances

- B. It is understood by all employees that the health carrier decides what drugs are covered and not covered under the drug prescription card program. This formulary list is available through the Assistant City Manager and the current health plan provider at any time.
- C. It is understood by all employees that it is their responsibility to check with their doctor and/or health carrier to check to see if their prescribed drug is a drug which has been identified as covered under the current health plan before they pick up their prescription.
- D. The City of Madeira agrees to reimburse the difference between the current co-pay stipulated in the current health care plan or on the drug card and \$10.00 for all drugs which are identified as covered under the current health plan.
- E. It is understood by all employees that the health care provider has the ability to change their policies and to decide which drugs are and are not covered under their plan.
- F. Procedures for Reimbursements:
 - 1. Prescriptions obtained:
 - a. All employees must obtain their prescriptions from a physician identified as covered under the current health care plan.
 - b. All employees must obtain their prescription drugs from a pharmacy identified as covered under the current health care plan.
 - c. All prescription drugs must be obtained through the prescription drug card.
 - 2. Prescription drug reimbursement forms:
 - a. All employees shall use a form provided by the City of Madeira for all drug reimbursements.
 - b. All drugs identified as covered shall be recorded on this sheet. The person who received the drug must be eligible under the current health plan.
 - c. All original receipts shall be attached to the drug prescription reimbursement form.

ARTICLE IV. Employee Benefits
SECTION A: Health Related Insurances

- d. The form must be signed by the employee and dated.
3. Authorization of Payment:
- a. All forms shall be submitted to the Assistant City Manager for authorization of payment for reimbursement.
 - b. The Assistant City Manager shall verify with the current health care provider to make sure all drugs that have been submitted on the form have been identified as a covered drug under the current health care plan.
 - c. If all drugs that have been submitted are drugs which are identified as covered under the current health care plan, then the Assistant City Manager shall send that request to the City Manager for final authorization.
 - d. That form will then be sent to the Treasurer's Office for payment.
4. Denial of Payment:
- a. If a claim is denied by the City because it is a drug which has not been identified as covered, a memo will be sent to the employee explaining the reasons why it cannot be reimbursed.
 - b. The employee does have the option to go through the appeals process through the current health care provider for coverage.
 - c. If the prescription drug becomes a drug which has been identified as covered under the current health care plan, then the employee can re-submit their request and restart the process.
5. Final Payment – All payments will be issued by the Treasurer's Office.
6. Questions – If there are any questions regarding this program, please direct all questions to the Assistant City Manager or the current health care provider.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION B: PAID HOLIDAYS

EFFECTIVE DATE: JUNE 29, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state what days are approved paid holidays for City employees.

POLICY:

Each permanent full-time employee of the City is entitled by ordinance to eight (8) hours of holiday pay for the following:

- | | |
|---------------------|-------------------------------|
| 1. New Year's Day | 7. Thanksgiving Day |
| 2. Presidents' Day | 8. Day after Thanksgiving Day |
| 3. Good Friday | 9. Christmas Eve Day |
| 4. Memorial Day | 10. Christmas Day |
| 5. Independence Day | 11. Employee's Birthday |
| 6. Labor Day | |

Each permanent part-time administrative employee of the City is entitled by ordinance to six (6) hours of holiday pay for the same holidays listed above.

When any of the above holidays fall on a Saturday, it will be observed on the previous Friday. When any of the above holidays fall on a Sunday, it will be observed on the following Monday. The City Manager may alter this schedule for those employees who need to work special events/functions on these days. Holidays occurring during the scheduled vacation of an employee shall not be counted as vacation days.

When a non-exempt (hourly) employee is required by schedule to work any of the above days, the employee shall receive eight (8) hours pay at the regular rate for the holiday plus one and one half times for each hour worked.

ARTICLE IV. Employee Benefits

SECTION B: Paid Holidays

Illness occurring during a holiday counts as a holiday and cannot be charged against sick leave.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION C: PAID VACATION

EFFECTIVE DATE: JUNE 29, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995; APRIL 1, 2003

PURPOSE:

To state the amount of paid vacation which may be earned by a permanent full-time and part-time employees.

POLICY:

Each permanent full-time employee of the City shall earn vacation time according to the following schedule:

- Employees with less than one (1) year continuous service: none
- Upon completion of one (1) year of continuous service, an employee shall be credited with eighty
- (80) hours of vacation leave. Thereafter and through the seventh (7th) year of service, the employee shall earn and be credited with six and two-thirds (6-2/3) hours of vacation leave for each subsequent month of service.
- Upon the attainment of the eighth (8th) anniversary of continuous service, any employee shall earn and be credited with ten (10) hours of vacation leave for each subsequent month of service.
- Upon the attainment of the fifteenth (15th) anniversary of continuous service, an employee shall earn and be credited with thirteen and one third (13-1/3) hours of vacation leave for each subsequent month of service.
- Upon the attainment of the twentieth (20th) anniversary of continuous service, an employee shall earn and be credited with sixteen and two-thirds (16 2/3) hours of vacation leave for each subsequent month of service.
- An employee who has worked for another political jurisdiction of the State of Ohio where vacation credit was earned shall receive service credit towards vacation

ARTICLE IV. Employee Benefits

SECTION C: Paid Vacation

entitlement for all such service time if they were employed with the City prior to April 1, 2005.

- Generally, vacation leave shall be taken by the end of the fiscal year immediately following the year in which it was accrued. Employees may carry over up to one half (1/2) of their annual accrual each succeeding year. But in no case will an employee be allowed to carry over more than two and one half (2 1/2) times their annual accrued vacation time into the new fiscal year without the City Manager's written permission. This exemption shall be forwarded to the Treasurer's Office.

Each permanent part-time employee of the City shall earn vacation time according to the following schedule:

- Vacation leave shall be earned and credited on a pro-rated basis to that which is received by full-time employees. Permanent part-time employees will earn up to seventy-five percent (75%) of what full-time employees earn each month.
- An employee who has worked for another political subdivision of the State of Ohio where vacation credit was earned shall receive service credit towards vacation entitlement for all such service time if they were employed with the City prior to April 1, 2005.
- Upon separation from the City Service, an employee in good standing shall be paid at the rate earned for the earned but unused vacation time to the employee's credit at the time of separation.
- Employees shall request vacation leave by completing a Request for Time-off Form and submitting it to their department head.
- Vacations shall be scheduled subject to the approval of the Department Head and the City Manager and based on the work load of the employee's department and the preference of the employee.
- An employee will not be permitted to take vacation time in advance of earning such leave.
- An employee wishing to extend their vacation must make such a request to their department head. Vacation leave may be extended only by and at the discretion of the City Manager.

- The City Manager shall approve requests for vacation leave for all department heads of the City.

ARTICLE IV. Employee Benefits

SECTION C: Paid Vacation

vacation time into the new fiscal year without the City Manager's written permission.

This exemption shall be forwarded to the Treasurer's Office.

- At the request of an employee and approval of the City Manager, the City may purchase unused vacation time.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION D: PERSONAL DAYS

EFFECTIVE DATE: JULY 7, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995; APRIL 1, 2003

PURPOSE:

To state the guidelines for earning and using personal days.

POLICY:

Permanent full-time employees shall be allowed to earn personal days for good attendance. An employee who does not use sick leave or who is not on unpaid leave of absence, in any three (3) month period, will be granted eight (8) hours extra time off for each three (3) month period, not to exceed thirty-two (32) hours or four (4) personal days per calendar year.

Permanent part-time employees shall be allowed to earn personal days for good attendance. An employee who does not use sick leave or who is not on unpaid leave of absence, in any three (3) month period, will be granted eight (6) hours extra time off for each three (3) month period, not to exceed twenty-four (24) hours or four (4) personal days per calendar year.

Each three (3) month period begins with the first (1st) day of the month and ends with the last day of the third (3rd) month. Each earned personal day must be used within twelve months from the date earned and may be taken at any time, after earning such day, with reasonable notice in writing (use Request for Time-off Form) and approval of the employee's department head. Any earned personal days, not used within twelve months from the date earned, will not be carried over and will be considered, for all intents and purposes, used by the employee. Unused personal days shall not be paid upon separation.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION E: SICK LEAVE

EFFECTIVE DATE: JULY 1, 1982

**REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995; APRIL 1, 2003;
OCTOBER 9, 2006; SEPTEMBER 6, 2007**

PURPOSE:

To state the method of accumulating sick leave and leave of absence days for permanent full-time and part-time employees of the City.

POLICY:

A. How Sick Time May be Earned.

1. Each permanent full-time employee may earn sick leave at a rate of ten (10) hours for each complete month in active pay status, including paid vacations and sick leave, but not during a leave of absence without pay, lay-off, disciplinary suspension, or while in overtime status. The maximum amount of accrued but unused sick leave is 2,080 hours. Upon retirement from City service, an employee with ten (10) years or more service may convert to cash a maximum of forty percent (40%) of the accrued but unused sick leave, up to a maximum of sixty (60) days. The rate of payment of unused sick leave is to be at the rate of pay in effect at the time of retirement and such payment shall only be made once to any employee.
2. Each permanent part-time employee may earn sick leave at a rate of seven and one-half (7 ½) hours for each complete month in active pay status, including paid vacations and sick leave, but not during a leave of absence without pay, lay-off, disciplinary suspension, or while in overtime status. The maximum amount of accrued but unused sick leave is 1,560 hours. Upon retirement from City service, an employee with ten (10) years or more service may convert to cash a maximum of forty (40%) of the accrued but unused sick leave, up to a maximum of forty-five (45) days. The rate of payment of unused sick leave is to be at the rate of pay in effect at the time of retirement and such payment shall only be made once to any employee.

ARTICLE IV. Employee Benefits

SECTION E: Sick Leave

For purposes of this Policy, permanent part-time employees shall mean any employee whose regularly scheduled work week consists of less than 32 hours per week.

B. How Sick Time May Be Used. A permanent full-time/part-time employee may use sick leave for the following purposes:

1. In case of the employee's own illness, or injury.
2. To attend to members of the employee's immediate family, whose illness or injury requires the care of the employee.
3. In the event of the death in the employee's immediate family. A maximum of five (5) days sick leave, per each occurrence, will be allowed for this purpose.
4. Treatment by a medical professional of employee or a member of his immediate family that requires the presence of the employee, and which cannot be scheduled during non-working hours.

C. Rules for Using Sick Time that has been Earned.

1. Sick leave must be requested in a minimum of one (1) hour increments. The term "immediate family" shall include mother, father, brother, sister, child, spouse, or grandparents. An employee who takes sick leave because of the illness of a family member(s) may be required to submit a doctor's certificate.
2. The City Manager may require reasonable evidence to support a claim for sick leave and may, in case of absence for more than three (3) consecutive working days, require a doctor's certificate to justify the absence.
3. An employee, who is absent from work due to personal illness on three (3) separate occasions in a twelve (12) month period, will receive a notice from the department head to that effect. Absences will be calculated on a rolling calendar year.
4. Unless otherwise covered by a different policy, an employee, who is absent from work due to personal illness on four (4) separate occasions in a twelve (12) month period, will be notified of such absences by the department head and may be required to return an evaluation from a physician indicating the employee's fitness to work. Until this evaluation, if required, is received by the City Manager, the employee will not receive pay for personal illness.

ARTICLE IV. Employee Benefits

SECTION E: Sick Leave

5. In addition, the employee and the physician may be contacted by a City appointed physician and the employee may be ordered to have an additional examination, by the City physician, to determine the employee's physical ability to remain in the City Service.
6. An employee may use personal illness pay concurrently with other approved or excused leaves of absence, including but not limited to FMLA, Short-and Long-term disability or military leave.
7. When a new employee is coming from the service of another public agency where sick leave is accrued, the employee may bring the sick leave accrual to be used as approved by the department head and City Manager. The sick leave accrued with another agency shall not be used in calculating the cash payment of unused sick leave or retirement.

D. How to Request Sick Time When Absent.

1. An employee shall request approval for all sick leave by submitting a Request for Time-off Form either before the requested days when possible or immediately following his/her return to work prior to receiving sick pay.
2. A doctor's certificate may be required for any personal illness preceding a holiday or the day immediately following a holiday before said sick leave is paid.
3. When an employee is required to have a doctor's certificate, it will be the responsibility of the employee to see that said certificate is submitted to the department head on the day the employee returns to work, but no later than the day following their return to work. Failure to submit such certificate may result in the employee not being paid for the sick days involved.
4. Any personal illness preceding or immediately following an employee's regular days off, may require a doctor's certificate before payment is made for sick leave.
5. If an employee has exhausted all accumulated sick leave and has exhausted or does not qualify for any other form of leave recognized under the City of Madeira Personnel Policy Manual, and said employee cannot return to work, then the employee shall voluntarily resign, leave on a medical disability, retire from service, or be terminated.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION F: JURY DUTY AND WITNESS IN COURT LEAVE

EFFECTIVE DATE: JULY 5, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the procedures for paying a permanent full-time or permanent part-time employee while on jury duty or while being a witness in court.

POLICY:

A permanent full-time employee, who is serving as a juror or as a witness in a court of law, shall be paid the employee's regular pay for any time missed from work. Upon completion of jury duty service, the employee shall complete a REQUEST FOR TIME-OFF form and submit it to their department head, who will forward a copy to the Treasurer's Office. Any compensation the employee receives from the court shall be turned in to the Treasurer's Office. If such compensation exceeds the regular pay of the employee for the time missed from work, the difference shall be paid to the employee, in addition to the employee's regular pay.

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SECTION G: UNPAID LEAVE OF ABSENCE

EFFECTIVE DATE: JULY 5, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995; MARCH 16, 2004

PURPOSE:

To state the rules concerning unpaid leaves of absence.

POLICY:

A permanent full-time City employee may be granted a leave of absence, without pay, for a period not to exceed twelve (12) months. Such leaves may be granted for advanced study, or other purposes which will serve the interest of the City. The City Manager shall determine whether or not a request for such leave is in the interest of the City.

Leaves of absence without pay may be authorized by the City Manager upon recommendation from the employee's department head. An employee shall not accrue vacation, personal or sick leave while on a leave of absence without pay or be covered under the health/dental insurance plan for the City.

Should an eligible employee request unpaid leave under the provisions of the Family Medical Leave Act (FMLA) of 1993, any earned paid leave and other requested unpaid leave will be substituted for the FMLA unpaid leave first.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION H: MILITARY TRAINING LEAVE

EFFECTIVE DATE: JULY 6, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the regulations concerning a leave of absence for military training.

POLICY:

An employee of the City shall be granted a leave of absence to be inducted or otherwise enter military duty. If not accepted for such duty, the employee shall be reinstated to their current position.

Permanent full-time employees not accepted for such duty shall be reinstated to their current position without loss of seniority, or reduction in their rate of pay. During such leave of absence, the employee shall, for all intents and purposes, be considered as having rendered service and as having received the current regular rate of pay.

The City shall not refuse to employ nor shall it discharge any person because of membership with the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, the Armed Services of the United States or their auxiliaries, or such other service as are specified in section 124.29 of the Ohio Revised Code, or prevent the employee from performing any military service as the employee may be called upon to perform by proper authority.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION I: PARENTAL/ADOPTION LEAVE

EFFECTIVE DATE: JULY 7, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state the length and conditions of parental/adoption leave for a permanent full-time employee.

POLICY:

Should a permanent full-time employee of the City require time off from work for the birth or the adoption of child/children, such leave shall be granted once per pregnancy or adoption. Said leave will be without compensation and may not exceed three (3) months. Reinstatement of the employee shall be made if the employee desires to return to the employee's position with the City.

Sick leave may only be used during or after a period of pregnancy when it is determined that the employee is unable to work due to illness, hospitalization, or other conditions which are determined by a doctor to be harmful to the employee. The employee shall provide written certification before sick leave is approved.

Sick leave may not be used for routine child care that does not fall into the guidelines of sick leave usage.

Approval of Parental/Adoption Leave and sick leave usage for pregnancy/adoption is at the discretion of the City Manager.

Approved Parental/Adoption Leave shall be substituted for requested FMLA leave.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION J: FAMILY MEDICAL LEAVE

EFFECTIVE DATE: JANUARY 1, 1995

**REVISION DATE: FEBRUARY 1, 1995; MARCH 16, 2004;
OCTOBER 10, 2006**

PURPOSE:

To state the length and conditions of leave under the Family Medical Leave Act of 1993, for City of Madeira Employees.

POLICY:

- A. An employee who meets the service eligibility requirements of this subsection shall be entitled to up to 12 work weeks of unpaid leave during a 12 month period immediately following the occurrence or onset of the event for which leave is requested for one or more of the following reasons:
1. For the birth of a son or daughter of the employee during the child's first year of life.
 2. For the placement of a son or daughter with the employee for adoption or foster care during the first 12 months after placement; and when the son or daughter is under 18 years of age or, if 18 years of age or older, is incapable of self-care because of disability.
 3. To care for the spouse, son or daughter, or parent of the employee, if such spouse, son, daughter, or parent has an illness, injury impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility, or that involves significant continuing treatment by a licensed medical doctor, osteopathic physician or other bona fide legitimate provider of recognized efficacious medical care.
 4. Because of the inability of the employee to perform the functions of his or her position due to the employee's illness, injury, impairment or a physical or mental condition involving inpatient care in a hospital, hospice or residential medical care facility or that involves significant continuing treatment by a licensed medical doctor,

ARTICLE IV. Employee Benefits

SECTION J: Family Medical Leave

osteopathic physician or other bona fide legitimate provider of recognized efficacious medical care.

- B. Eligible Employees - To be eligible for FMLA leave under this policy, an employee must have worked for the City of Madeira:
1. For at least 12 consecutive months; and
 2. For at least 1,250 hours of service, including vacation leave, compensatory time and paid holidays during the previous 12 month period. Sick leave will not count as hours worked for determining eligibility.
- C. Procedure for Requesting and Granting Leave - Employees are required to submit FMLA leave of absence requests as far in advance as possible using the Request for Family Medical Leave form provided by the City (attached hereto and made part of this Policy). In case of leave-causing events which are foreseeable, the employee must provide the City with a request for leave not less than 30 days in advance of the foreseeable event or occurrence. If such notice cannot be given, the employee is responsible for notifying the City as soon as possible, but not later than three (3) days after leave has begun.
1. Leave for the reasons stated in items (A)(1) and (A)(2) above concerning child care may not be taken intermittently. Leave for reasons listed in items (A)(3) or (A)(4) above concerning invalid care and employee illness may be taken intermittently when medically necessary. Intermittent leave will be calculated using four (4) hour increments. All designated FMLA time will be rounded up to the nearest four (4) hour period.
 2. If an employee fails to request FMLA Leave, the 12 week period of leave will automatically be initiated after the employee uses 5 days of paid leave for the same illness. The FMLA leave will then apply retroactively to the first day of absence related to the same illness. From that point forward and during the 12 week period of leave, the employee must use any available paid leave, including but not limited to, injury-on-duty leave.
 3. In the event that two employees of the City are husband and wife and are both eligible employees of the City, the aggregate number of work weeks of leave to which both may be entitled will be limited to 12 work weeks during any 12 month period if leave

ARTICLE IV. Employee Benefits

SECTION J: Family Medical Leave

is taken for child care under items (A)(1) or (A)(2) above or for invalid care of a sick parent under item (A)(3) above.

4. When leave is requested for invalid care or employee illness as defined in (A)(3) or (A)(4) above, the City of Madeira will require, as a condition of granting leave, adequate documentation of the medical facts claimed by the employee as the basis for requesting leave. The employee shall submit to the City of Madeira, a completed Certification of Health Care Provider form (attached hereto and made part of this Policy).
 5. In the event that the employee is unable to provide the Certification of Health Care Provider within ten (10) days after the date of submission of the leave request, the employee may be granted leave temporarily upon execution by the employee of an authorization in favor of the City of Madeira to obtain directly from the medical providers involved, the information set forth above.
- D. Second Opinions - If, upon receipt of the Certification of Health Care Provider, the City of Madeira has reason to doubt the validity or competency of the information provided, the City of Madeira may require the employee to submit to an independent examination by a health care provider designated by the City of Madeira and paid by the City of Madeira. In the event of disagreement between the employee's health care provider and the health care provider designated by the City of Madeira, the City of Madeira may require review by a third health care provider designated or approved jointly by the City of Madeira and the employee. The cost of the third opinion will be borne by the City of Madeira, and the third opinion will be final as to the facts known at the time of the review. The City of Madeira may require subsequent evaluation on a reasonable basis as the medical condition progresses or develops.
- E. Substitution of Paid Leave – Employees shall be required to concurrently use any accrued vacation leave, personal leave, injury leave or sick leave during the 12 weeks of FMLA leave.
- F. Return from Leave - An eligible employee who takes FMLA leave will be entitled, upon return from such leave, and having complied with the requirements of the City of Madeira as conditions of the leave, to be restored to the position held by the employee at the beginning of

ARTICLE IV. Employee Benefits

SECTION J: Family Medical Leave

the unpaid leave or an equivalent position with equivalent benefits and pay. The City of Madeira will ordinarily require, in the case of an employee returning from leave due to his or her own illness, appropriate documentation from the employee's physician certifying that the employee is in fact capable of returning to full performance of the essential functions of his or her job. If the employee is unable to return to his/her job after the 12 week period is over and their paid time (sick, vacation, personal, comp, etc) has not yet ended, the employee is permitted to continue to use up their paid time until it has ended. If all appropriate permitted leave has been exhausted and the employee cannot return to work, employment with the individual will be ended.

- G. Benefits During Leave – Vacations, sick time or personal time does not accrue during the period of leave (if the leave is unpaid). However, during the period of leave, the City of Madeira shall maintain the employee's group health coverage under the terms, conditions, contributions, and costs that would have applied had the employee not taken a leave of absence. In the event that the City of Madeira changes insurance companies or plans during the period of leave, the employee on leave will be treated in the same manner as an employee actively at work having the same medical conditions and dependents. In the event that an employee fails to return from leave after the period of leave to which the employee is entitled has expired the City of Madeira, at its sole discretion, may recover the premium paid by the City of Madeira for maintaining health coverage for the employee during the period of unpaid leave.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION K: ABSENCE WITHOUT LEAVE

EFFECTIVE DATE: JULY 6, 1982

REVISION DATE: JUNE 1, 1993; AUGUST 26, 2002

PURPOSE:

To state what actions will be taken by the City when an employee is absent without leave.

POLICY:

Any City employee, who is to be absent from work for any reason, shall make every effort to contact their immediate supervisor, prior to such absence. If contact with the supervisor cannot be made, the employee should contact the Office of the City Manager to make notification of their absence. An employee who is absent from work for a period of more than three (3) days, without notifying the City, shall be considered separated from the City service. If a reasonable excuse for such actions is presented after separation, the employee may be reinstated at the discretion of the City Manager.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION L: LONGEVITY PAY

EFFECTIVE DATE: JULY 6, 1982

**REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995;
AUGUST 26, 2002; APRIL 1, 2003; APRIL 1, 2006**

PURPOSE:

To state the conditions for and amounts of longevity pay to a permanent full-time and part-time employee of the City.

POLICY:

Longevity pay shall be established by ordinance and paid to permanent full-time employees of the City who were employed prior to April 1, 2006 in the following manner:

- Employees who have completed five (5) years uninterrupted service shall receive a payment of five hundred fifty dollars (\$550.00);
- Employees with more than five (5) years of uninterrupted service shall receive twenty-five dollars (\$25.00) for each year in excess of five years, in addition to the five hundred fifty dollar (\$550.00) base;
- Employees who have completed ten (10) years uninterrupted service shall receive a payment of six hundred fifty dollars (\$650.00);
- Employees with more than ten (10) years of service shall receive twenty-five dollars (\$25.00) for each year in excess of ten years, in addition to the six hundred fifty dollar (\$650.00) base;
- Employees who have completed fifteen (15) years uninterrupted service shall receive a payment of seven hundred fifty dollars (\$750.00);
- Employees who have completed more than fifteen (15) years uninterrupted service shall receive twenty-five dollars (\$25.00) for each year in excess of fifteen (15) years in addition to the seven hundred fifty dollar (\$750.00) base.

Longevity payments shall be made in a lump sum amount on the first pay period following the employee's anniversary date of hire.

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SECTION L: Longevity

An employee who leaves the employ of the City shall receive a pro rata share of his/her longevity entitlement.

Longevity pay shall be established by ordinance and paid to permanent part-time employees of the City who were employed prior to April 1, 2006 in the following manner:

- In addition to the pay rates specified above, all permanent part-time administrative employees of the City of Madeira, Ohio shall receive longevity payment for time accrued as a permanent part-time employee of the City of Madeira. Payment shall be pro-rated to a forty (40) hour work week and based upon the number of hours worked each week by the permanent part-time employee relative to the payment received by the full-time employee's specified above. (Example: A permanent administrative part-time employee who works a normal thirty (30) hour week shall receive seventy-five percent (75%) of the longevity pay received by the full-time employee).

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION M: CREDIT UNIONS

EFFECTIVE DATE: JULY 6, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state what credit unions are available to employees of the City.

POLICY:

Two credit unions are currently available to employees depending on their employment position.

- Non-civilian police department employees
- All other permanent employees

Both credit unions are based on an employee's voluntary membership. Enrollment forms may be obtained from the Treasurer's Office. Once membership is initiated, payroll deductions will be made from the employee's earnings.

The City will make certain that credit union payments are mailed to the credit union on the day payroll is distributed. The City cannot be held responsible for the mail service if the payment is not received by the credit union in a timely manner.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION N: RETIREMENT BENEFITS

EFFECTIVE DATE: JULY 8, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the requirements of the two retirement systems employed by the City.

POLICY:

An employee of the City is required to become a member of the Public Employee's Retirement System (P.E.R.S.) or the Police and Fire Disability and Pension Fund of Ohio.

The City's and employee's contributions shall be established by State law.

Benefit payments vary in amount, depending on a member's final average salary, length of public service and age at the time of retirement. Credits for service in the military and other public service will be allowed as mandated by the specific retirement system.

Further information may be obtained from the Treasurer's Office.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION O: EDUCATION/TRAINING

EFFECTIVE DATE: JUNE 1, 1993

PURPOSE:

To provide the guidelines and regulations on continuing education and training for employees as it relates to their positions with the City.

POLICY:

All educational training shall be directly related to the employee's position with the City. The City Manager shall make the determination as to the appropriateness of the training to the employee's position.

The City will pay for the following expenses:

- Registration/course fees
- Travel and meal expenses as set forth in Article IV., Section O of this Manual
- Manuals and supplies included in Registration Fees

In the case of college accredited courses, the employee, after presenting documentation to the City Manager, will be reimbursed for fees or tuition costs based on the grade achieved as follows:

GRADE A - 100% GRADE B - 75% GRADE C - 50% BELOW C - 0%

The City shall not pay/reimburse for the costs of college text books or supplies.

The employee shall receive approval from their department head and the City Manager for any training or course work in advance of taking such training or course. The department head shall submit a request for purchase order for all costs associated with the training.

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ARTICLE IV. EMPLOYEE BENEFITS

SECTION P: TRAVEL EXPENSE REIMBURSEMENT

EFFECTIVE DATE: JUNE 1, 1993

REVISION DATE: FEBRUARY 1, 1995; APRIL 1, 1996

PURPOSE:

To provide regulations and guidelines for City employees for Travel Expense Reimbursement while attending a seminar/conference as an employee of the City of Madeira.

POLICY:

The following items shall be eligible for reimbursement:

Lodging:

Lodging for a seminar/conference is usually specified in the registration information. The City shall reimburse for the cost of lodging in the motel/hotel for the days of the conference only. Should extensive travel time be required to attend the seminar/conference, the City will reimburse for the cost of the evening prior to the day of the meeting. Whenever the lodging is at the discretion of the attendant, and a choice of hotels is given, the lodging shall be approved by the City Manager prior to registration.

Telephone calls shall be reimbursed as follows:

- calls to attendant's home
- calls to the City offices
- calls approved by the City Manager

Meals shall be reimbursed at a rate not to exceed \$38.00 per day. This amount includes any meals included in registration costs.

Reimbursements will not include alcoholic beverages.

ARTICLE IV. Employee Benefits
SECTION P: Travel Expense Reimbursement

Travel expenses:

- Mileage - personal automobile mileage shall be reimbursed at the prevailing Internal Revenue Service (IRS) rate.
- Air Fare - when it is impractical for the attendant to drive, the cost of a single coach ticket shall be reimbursed. The attendant shall submit the fares for all airlines departing from the Greater Cincinnati International Airport to the intended destination. Every attempt should be made to obtain the least expensive fare while still arriving and departing at a reasonable time.

Miscellaneous:

- Parking - the City will reimburse all parking costs for the attendant's automobile, whether personal or rental.
- Rental cars - the attendant will be permitted to rent an automobile at the seminar/conference site provided reasonable justification can be given for the use of a rental car. All rental cars shall be pre-approved by the City Manager.

Prior approval for all seminars/conferences is required. Attendants should submit a Conference/Travel Request Form (sample form included) to their department head.

Reimbursement requests for eligible expenses incurred during the seminar/conference must be submitted on a Travel Expense Voucher (sample form included) along with appropriate receipts/vouchers for each expense.

The City Manager will be the final approving authority for any expense reimbursement.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION Q: SHORT TERM DISABILITY BENEFIT

EFFECTIVE DATE: AUGUST 26, 2002

PURPOSE:

To state the policy for short term disability.

POLICY:

1. Definition - A disability is any non-job related illness or injury, either physical or mental, including pregnancy, childbirth or related medical condition that prevents you from doing your regular work. A disability benefit period is the continuous period of unemployment and disabilities, beginning with the first day you are eligible for benefits. Two consecutive periods of disability due to the same or related cause or condition, and separated by a period of not more than 14 days shall be considered as one disability benefit period.
2. Eligibility - In the event an employee becomes disabled and is unable to work because of a non-job related injury or illness, short term disability replaces part of the employee's income until he/she is able to return to work. All City of Madeira employees are eligible for coverage under the current Short Term Disability Carrier. Individuals employed on or after the effective date of this plan are eligible for coverage. Employees pay premiums for this coverage through automatic payroll deductions.
3. Waiting Period - Benefits will commence after the waiting period that has been established by the Short Term Disability Carrier.
4. Amount of Benefit - The amount of benefit will be based on the Short Term Disability Plan Document in effect at the time of disability.
5. Contribution - Employees covered under this policy shall make contributions in an amount established by the Short Term Disability Carrier. Employees will be notified of the disability contribution rate for each year during open enrollment.
6. Certification - The employee must produce medical documentation in cases of disability. The certificate must contain a statement of medical facts, including secondary diagnoses, within the physician's knowledge, based on a physical examination and documented medical history.

ARTICLE IV. Employee Benefits

SECTION Q: Short Term Disability Benefits

A medical release form shall also be signed and given to the Assistant City Manager. However when an employee is hospitalized in any medical facility, certification will be accepted from any authorized medical officer within that facility.

To insure the health and safety of the employee who plans to return to work after a short term disability leave of absence, a doctor's release must be obtained and presented to the Assistant City Manager before the employee may resume work.

7. Responsibility - It is the responsibility of the employee to contact the supervisor, and the Assistant City Manager to notify them of a disability. Upon notification, it is the responsibility of the supervisor to provide the employee with information regarding the Family Medical Leave Act (FMLA). The employee must also provide proper documentation substantiating the disability. In the instance a leave is applied for, the proper request form must be submitted to the supervisor.

CITY OF MADEIRA

PERSONNEL POLICY MANUAL

ARTICLE IV. EMPLOYEE BENEFITS

SECTION R: LONG TERM DISABILITY BENEFIT

EFFECTIVE DATE: AUGUST 26, 2002

PURPOSE:

To state the policy of Long Term Disability.

POLICY:

1. Definition - Long term disability (within the first 24 months) is defined as the employee's inability to perform the material duties of his or her own occupation with reasonable continuity, or the inability, because of decreased hours or reassignment, to earn more than % of pre-disability earnings. After the first 24 months, long term disability continues if the employee continues to be unable to perform with or without reasonable accommodation, the primary functions of any gainful occupation which is consistent with the skill, experience, and education of the employee or if the employee is unable to earn more than % of pre-disability earnings while working in the prior position or in any other position.
2. Eligibility - All City of Madeira regular employees working at least 20 hours a week may be covered under this policy. In order to receive benefits through the disability carrier, the disability must be continuous for at least 360 days.
3. Amount of Benefits - Employees will receive a certain percentage of their prior monthly salary as determined by the Long Term Disability Carrier.
4. Duration - Please check with the Long Term Disability Carrier to determine maximum benefit periods.
5. Certification - A claim form must be filed no later than 90 days after the 360 day waiting period of the occurrence of the disability. A completed Attending Physician Statement signed by the doctor and documentation from other benefits sources applied for must accompany the claim form as well as an authorization form which is required by the City of Madeira.
6. Responsibility - It is the responsibility of the employee to contact the supervisor and the Assistant City Manager to notify them of the disability. In order to receive long term

ARTICLE IV: Employee Benefits

SECTION R: Long Term Disability Benefits

disability benefits through the carrier, the employee must ensure that the proper certification has been filed with the plan in effect with the employee.

7. Payment – The employee is responsible for payment of the plan through payroll deduction.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE IV. EMPLOYEE BENEFITS

SECTION S: DONATION OF SICK LEAVE

EFFECTIVE DATE: NOVEMBER 13, 2006

PURPOSE:

To state the method of donating sick leave time to benefit another City employee who suffers a catastrophic illness or injury.

POLICY:

Employees shall be permitted to donate accrued but unused sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave. The intent of the sick leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to the serious illness or injury of the employee or a member of the employee's immediate family.

- A. An employee may receive donated sick leave, up to the number of hours the employee is scheduled to work each pay period (but no more than a total of 12 weeks to cover the FMLA period), if the employee who is to receive donated leave has a serious illness or injury:
 - 1. Or a member of the employee's immediate family has a serious illness or injury;
 - 2. Has no accrued but unused sick leave; and
 - 3. Has exhausted or does not qualify for any other form of leave recognized under the City of Madeira Personnel Policy Manual.

- B. Employees may donate leave if the donating employee:
 - 1. Voluntarily elects to donate sick leave and does so with the understanding that donated sick leave will not be returned;
 - 2. Donates a minimum of eight hours; and
 - 3. Retains a sick leave balance of at least 50% of their balance or a minimum of 160 hours.

ARTICLE IV: Employee Benefits

SECTION S: Donation of Sick Leave

- C. The sick leave donation program shall be administered on a pay period by pay period basis. Employees using donated sick leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Sick leave accrued by an employee while using donated sick leave shall be used, if necessary, in the following pay period before additional donated sick leave may be received. Donated sick leave shall not count toward the probationary period or an employee who receives donated sick leave during his or her probationary period. Donated sick leave shall be considered sick leave, but shall never be converted into a cash benefit.
- D. Employees who wish to donate sick leave shall certify:
1. The name of the employee for whom the donated sick leave is intended;
 2. The number of hours to be donated;
 3. That the employee will have a minimum sick leave balance of 50% of their balance or 160 hours; and
 4. That the sick leave is donated voluntarily and the employee understands that the donated sick leave will not be returned.
- E. The City shall ensure that no employees are forced to donate sick leave. The City shall respect an employee's right to privacy; however, the City may, with the permission of the employee who is in need of sick leave or a member of the employee's immediate family, inform employees of their co-workers critical need for sick leave. The City shall not directly solicit sick leave donations from employees. The donation of leave shall occur on a strictly volunteer basis.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE V. ON THE JOB INJURIES

SECTION A: REPORTING INJURIES AND WORKERS' COMPENSATION

EFFECTIVE DATE: JUNE 21, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the policy for reporting injuries and the general provisions and benefits of Workers' Compensation as administered by the Ohio Bureau of Workers' Compensation.

The Workers' Compensation System is designed to compensate a worker who sustains an injury or contracts an occupational disease in the course of and arising out of their employment, and to compensate the dependents of an employee who is killed due to an occupational injury or disease. Compensation is paid only for employment related accidents and disease, and medical benefits are paid only for treatment of the disability recognized in each specific claim.

POLICY:

When an employee sustains an injury while performing duties as an employee of the City, they will submit an Employee Injury Report Form (sample form included) to their department head as soon as possible after the injury occurs.

The City shall pay the entire cost of coverage for an employee of the City.

Initial applications for Workers' Compensation should be filed with the Bureau as soon as possible after the injury or the diagnosis of an occupational disease. Forms are available at most hospitals and doctors' offices and from the Personnel Office. The filing of initial applications is the responsibility of the individual employee.

Assistance in preparing the necessary forms will be provided, if requested.

The City will receive the claim application for certification and will consider all safety issues when

ARTICLE V. On the Job Injuries

SECTION A: Reporting Injuries and Workers' Compensation

reviewing said application for certification. If the City rejects the claim, reasons for such rejection will be cited on the application.

In the event of the death of an employee, claims may be filed by the surviving spouse on their own behalf and on behalf of any minor children; by a friend or guardian on behalf of minor children; by adult dependents or by guardians of adult dependents.

Further information is available in the "Handbook for Employees and Employers" which may be obtained from the Workers' Compensation Bureau Office.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE V. ON THE JOB INJURIES

SECTION B: PAYMENT OF WAGES WHILE INJURED

EFFECTIVE DATE: JUNE 21, 1982

REVISION DATE: JUNE 1, 1993; OCTOBER 17, 2006

PURPOSE:

To state the options for payment of wages available to an injured employee.

POLICY:

In the event of a service-related injury or occupational illness incurred while in the active discharge of their duties, and which illness or injury is not the result of "horseplay" or negligence by the employee, the Employer shall grant the employee full pay for a period not to exceed the following amount of time:

1. OPBA: Nine Hundred Sixty (960) Hours from the date of injury. The City Manager may extend an injury leave for an additional nine hundred sixty (960) hours if necessary for recovery;
2. AFSCME: Ninety (90) calendar days from the date of injury;
3. Administration: Ninety (90) calendar days from the date of injury.

BWC Requirements – Any employee claiming a work-related illness or injury under this policy shall file a claim with the Ohio Bureau of Workers' Compensation. Upon approval of the injury claim by Workers' Compensation, the employee shall remit to the Treasurer's Office all income benefits paid by Workers' Compensation for the period during which the employee received full pay.

Limited Duty Assignment – An employee who is partially disabled and who is eligible for injury leave under this policy may apply to the City Manager for a limited duty assignment, if available. The granting of any limited duty assignment shall be subject solely to the approval of the City Manager and may not be made subject to appeal under any grievance procedure. Limited duty assignments shall be no more than sixty (60) calendar days, or the length of the partial disability, whichever is less. If a limited duty assignment is not available, the employer is under no obligation to provide the employee work or create a new position while injured.

ARTICLE V. On the Job Injuries

SECTION B: Payment of Wages While Injured

Medical Requirements – The employee is required to provide a medical form from a treating physician who handles Worker’s Compensation claims stating that the employee is unable to perform their job duties due to the injury sustained during the work period. If the City disagrees with the employee's treating physician concerning an injury-on-duty pay status, the City may send the employee to a physician of the City's choice for an examination, evaluation and recommendation at no expense to the employee. Said physician shall act as the City physician. The medical decision rendered by the employee's treating physician shall govern an injured on duty pay determination unless:

1. The treating physician changes his diagnosis or prognosis after being contacted by the City or consulted by the City physician
2. The City physician offers a different diagnosis than the treating physician

If the injured employee disagrees with the decision rendered by the City's physician, the employee may request a third physician's opinion. The third physician shall be selected by the treating physician and the City physician. The opinion of the third physician shall be binding on both the City and the employee. The cost of the third physician shall be shared equally by the employee and the City.

Time Frames – All injury leaves shall start at the time of injury and expire those stipulated days or hours from the date of injury over the course of a normal shift for that particular employee. The clock will not stop if the employee returns to work before the time period has expired.

Procedure –

1. The injured or sick employee shall fill out an accident/injury report form for the City of Madeira and Worker’s Compensation.
2. The supervisor in charge shall conduct an investigation into the accident/incident which involved an injury and fill out an accident investigation report which will be forwarded to the City Manager for their evaluation.
3. The supervisor in charge shall also make any necessary recommendations involving job safety is warranted.

ARTICLE V. On the Job Injuries

SECTION B: Payment of Wages While Injured

4. The Supervisor in Charge must send the employee home or to the hospital (if warranted) following the accident or injury. The employee will not be permitted to return to work unless they have medical documentation from a physician stating that they can perform the essential job duties which are required in their job description.
5. The injured or sick employee shall file a leave request with the Assistant City Manager indicating that they request to take injury leave for their service related injury or illness. The leave request shall be accompanied by medical documentation that injury leave is necessary by a treating physician who handles Worker's Compensation Claims.
6. An injury absence report shall accompany all time sheets for payroll purposes.

Benefits – Full benefits available to employees will continue while on injury leave.

Return From Leave – The City of Madeira will ordinarily require, in the case of an employee returning from leave due to their own illness or injury, appropriate documentation from their physician certifying that the employee is in fact capable of returning to full performance of the essential function of their job as specified in their job description.

Injury Leave Exhausted – If the time period for injury leave has been exhausted and the employee is still unable to perform their regular job duties, then the employee shall be required to use any and all sick, compensatory, personal, vacation and/or holiday pay, so that the employee is still considered a valid employee. To be able to return to work, the employee will be sent for a fitness for duty test and must provide proof from a physician that they are able to return to work. If the employee still cannot return to work, then the employee shall resign, leave on a medical disability, or retire from service.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE V. ON THE JOB INJURIES

SECTION C: CHANGE OF DUTY OPTION

EFFECTIVE DATE: JUNE 22, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the policy of the City regarding the change of duty option on a temporary basis.

POLICY:

If an injury is such that other tasks can be completed by an injured employee, the City can retain that employee's services to complete those tasks until the employee is physically capable to return to their regular duties, as determined by a certified physician's assessment.

The City will not create unneeded tasks in order for an injured employee to be placed on Temporary Duty assignment. The goal of the City in assigning an injured employee Temporary Duty work is to relieve other employees of those duties and thereby provide a higher level of service to the community.

While the level of responsibility of the tasks performed may change, payment of wages will remain at the same rate as the employee was receiving before the injury occurred.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE VI. DISCIPLINARY ACTIONS

SECTION A: MISCONDUCT

EFFECTIVE DATE: JUNE 24, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state what actions by a City employee will result in disciplinary actions by the City.

POLICY:

No employee shall be reduced in pay and position, suspended, or removed for disciplinary actions except for grounds stated in this policy. The Employer may take disciplinary action against employees for just cause for incidents which occur while employees are on duty or off-duty representing themselves as employees of the City of Madeira. The employee may not be disciplined for actions on their own personal time that do not reflect directly on the City of Madeira or do not violate any state or Federal statutory provision. Forms of disciplinary actions are:

1. Verbal warning
2. Written warning
3. Written reprimand
4. At the option of the City Manager with concurrence of the employee, reduction of earned but unused personal day leave, vacation leave, or compensatory time not to exceed twenty-four (24) hours. If this option is implemented, all hours of such reduction shall be recorded in the employee's personnel file as a disciplinary suspension.
5. Suspension without pay
6. Temporary reassignment, not to exceed sixty (60) calendar days
7. Reduction in classification
8. Discharge from employment

It shall be the responsibility of all supervisory personnel to maintain the proper discipline of all employees under their supervision. It shall be the supervisor's responsibility to take such action as is necessary to properly carry out this policy.

ARTICLE VI. Disciplinary Actions

SECTION A: Misconduct

The following list of offenses for which an employee may receive disciplinary action shall include but is not limited to:

1. Conviction of any penal or criminal offense
2. Fighting, threatening or causing bodily injury to another
3. Willful neglect in the care or use of City property
4. Harboring a disease which may, through carelessness, endanger the health of fellow employees or the public
5. Advocating or being a member of, or affiliated with, an organization which advocates the forceful overthrow of the Government
6. Gross or habitual carelessness, recklessness, playing of tricks, jokes or other dangerous pranks upon others where there is disregard for the safety and comfort of fellow employees
7. Repeated failure to report to work at the approved time
8. Incurring cost or obligations in the name of the City without authority or prior approval
9. Repeated failure to comply with the provisions in this Personnel Policy Manual, or violations of Section 124.10 of the Ohio Revised Code, administrative rules and regulations, or department work rules and regulations
10. Any other acts of malfeasance, misfeasance, or nonfeasance in office may be cause for disciplinary action.

Except in instances wherein the employee is found guilty of gross misconduct, discipline will be applied in a progressive and uniform manner. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct. Anytime the Employer has reason to discipline an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public.

Whenever the Employer determines that an employee may be disciplined for cause (including only suspensions, reductions or terminations), a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. The investigation of the alleged incident shall be conducted by the employee's department head unless otherwise directed by the City Manager. The department head shall make recommendations, based on the investigation, to

ARTICLE VI. Disciplinary Actions

SECTION A: Misconduct

the City Manager. The City Manager shall schedule and conduct the pre-disciplinary hearing, and determine what disciplinary action, if any, should be administered.

The employee may be represented by any person they choose. The employee shall provide a list of employee witnesses to the Employer as far in advance as possible, but not later than one (1) hour prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired.

The employee or the employee's representative will be permitted to confront and cross examine witnesses. A written report will be prepared concluding as to whether or not the alleged conduct occurred. A copy of the report will be provided to the employee within five (5) days following its preparation. Any employee who may be subject to disciplinary action for violation(s) of City standards of conduct and/or those grounds for discipline listed in this policy, and any employee being questioned regarding another employee suspected of a violation, shall be apprised of and have the right to the following:

1. Failure to respond or respond truthfully to questioning may result in disciplinary action
2. Not less than forty-eight (48) hours prior to a scheduled pre-disciplinary conference, the employee shall receive a list of the charges.
 - a. The employee shall be notified of their right to representation and the right to postpone the hearing for no more than seventy-two (72) hours beyond the original scheduled time.
 - b. The employee shall be notified as to whether or not he has been suspended by the City Manager, pending the outcome of the conference.
 - c. The employee has the right to waive a pre-disciplinary conference and/or submit a written statement on their behalf.
3. Pre-disciplinary conferences may be tape recorded, and an employee shall be entitled to a copy of the recordings not later forty-eight (48) hours following the close of the conference.
4. Prior to disbursement, all termination letters shall be reviewed by the City Law Director.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE VI. DISCIPLINARY ACTIONS

SECTION B: APPEAL PROCESS

EFFECTIVE DATE: JUNE 28, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state what appeal process is available to an employee who is subject to a misconduct charge.

POLICY:

An employee, who is the subject of a disciplinary investigation, may appeal a penalty, if they feel that the penalty is too severe for the act committed or that they are not guilty of misconduct. Should an employee wish to appeal the penalty, the appeal will be made to the next highest authority. The level of authority shall be based as follows from lowest to highest:

- Immediate supervisor
- Department head
- City Manager
- Civil Service Commission (where applicable)

Should an employee refuse a penalty handed down by the Commission, the case may be appealed to the Court of Common Pleas.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE VI. DISCIPLINARY ACTIONS

SECTION C: REMOVAL FROM PERSONNEL FILE

EFFECTIVE DATE: JUNE 28, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state the conditions under which documentation for a disciplinary action may be removed from an employee's personnel file.

POLICY:

Should new evidence be brought forth that raises questions regarding the guilt of an employee in a past disciplinary action, the case may be reopened. Any new evidence shall be brought forth to the employee's department head who will submit the evidence to the City Manager for a determination. If the evidence proves the innocence of the employee, the employee's record shall be cleared of the act.

Records of verbal warnings and written warnings shall cease to have force and effect one (1) year from the date of issuance and shall, upon request of the employee, be removed from the personnel file, provided no intervening discipline has occurred. Any record of discipline of any kind shall cease to have force and effect two (2) years from the date of issuance and shall, upon request of the employee, be removed from the personnel file provided no intervening discipline has occurred. Both (or all) disciplinary actions will remain in force until the latter (or latest) disciplinary action loses force and effect. Records which have been approved for removal shall be maintained in a separate file, solely for the purpose of avoiding violations of laws related to the destruction of public records.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE VI. DISCIPLINARY ACTIONS

SECTION D: EMPLOYEES WITH DRUG/ALCOHOL PROBLEMS

EFFECTIVE DATE: JUNE 29, 1982

**REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995;
FEBRUARY 13, 1996; MARCH 16, 2004; AUGUST 18, 2009**

PURPOSE:

1. The City of Madeira will reasonably accommodate an employee's drug or alcohol dependency if under prescribed treatment. However, it should be understood that treatment pursuant to this policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. Nothing in this policy shall be construed so as to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol dependency or use.
2. Failure of the City to comply in full with all or any portion of this policy shall not reduce the City's ability to take appropriate action, including disciplinary action, against any employee in violation of this policy.
3. This Policy describes our City's Drug-Free Workplace Program, and every employee is expected to read and understand it. The policy applies to every employee including management. The consequences stated in this Drug-Free Policy will apply to anyone who violates the Policy.
4. It is the Policy of the City of Madeira to maintain a Drug Free Work Place. Henceforth, employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol or controlled substance is strictly prohibited during working hours at any location where employees are conducting City business. Violations may result in disciplinary action, including removal, for a first offense.
5. In order to further the City of Madeira's objective of maintaining a safe, healthful and Drug Free Work Place, the City may require an employee to submit to a urine, breath, saliva (oral) fluid or blood test if there is a reasonable suspicion to believe that an employee is under the influence of alcohol or a controlled substance.

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

6. Finally, to the extent that the City is subject to the provisions of the Drug-Free Work Place Act of 1988, the City of Madeira shall promulgate any necessary policies, procedures, regulations, and directives in order to ensure compliance with the Act.

POLICY:

1. Employees of the City of Madeira have the right to be provided a safe and healthy working environment. Drug and alcohol testing will help ensure that all Employees, regardless of position, report to work without being under the influence and remain free of such influence throughout all working hours. Furthermore, other purposes of this policy are:
 - a. To comply with Federal and State regulations such as the Drug Free Workplace Act of 1988;
 - b. To comply with any contractual obligations;
 - c. To protect the health and safety of employees and the public;
 - d. To minimize liability;
 - e. To help decrease health care costs and Workers' Compensation costs; and
 - f. To improve productivity.
2. The unlawful manufacture, distribution, sale, dispensation, possession, or use of a controlled substance on or in City property or while performing duty off-premises is absolutely prohibited.
3. Violations of this policy will result in disciplinary action up to and including removal and may have other legal consequences. Offenses of this nature will be reported to local law enforcement authorities where deemed appropriate. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute, in Ohio or any other state for violations occurring on or off-premises while performing duties. A report of a conviction must be made within five (5) days of the conviction.
4. The City further reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of the employees' personal property in certain circumstances, as well as City issued lockers, desks or other suspected areas of concealment. Full compliance with this substance abuse policy is a condition of employment and continued employment.

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

5. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. The City of Madeira recognizes alcohol and/or drug dependency as an illness and a major health problem. The City of Madeira also recognizes drug and/or alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with drug, and/or alcohol problems are encouraged to seek professional assistance such as our Employee Assistance Program (EAP) and use health insurance plans as appropriate. Any employee needing information or help should contact the Assistant City Manager. The Assistant City Manager will be the Drug-Free Workplace Program Administrator. Conscientious/proactive efforts to seek such help will not jeopardize any employee's job and will not be noted in the employee's personnel record.
6. The scope of this policy includes alcohol and drug testing and/or physical evaluations under the following types of circumstances.
 - a. Reasonable cause to believe an employee is under the influence of alcohol or a controlled substance;
 - b. Post-Accident;
 - c. Return to Duty;
 - d. Periodic physical examinations such as required by the Department of Transportation or by the City;
 - e. Random Testing for those employees in safety sensitive positions, such as requirements for Commercial Driver's Licenses, and any other positions as may be so designated from time to time by the City of Madeira.
7. Drugs subject to testing will include, but not limited to, the following drugs, drug classes or drug metabolites:
 - a. Cannabinoids (marijuana);
 - b. Cocaine;
 - c. Opiates;
 - d. Amphetamines;
 - e. Phencyclidine (PCP);
 - f. Ethanol.

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

8. The City of Madeira reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or Local regulations or laws.
9. A cut-off level is used to establish that an employee has one or more of the drugs in his/her system and, therefore, should be considered as having had a positive test. The cut-off level recognized by the City will be that in which the Federal Department of Health and Human Services (DHHS) has designated for the classifications of the drugs listed above.
10. Employees must report to their Supervisors when they are experiencing or may experience a reaction to a prescription or over-the-counter drug that may affect their ability to do their job.
11. Situations where alcohol testing will be done will include post accident and reasonable cause. In the event of an accident where an employee has “whole blood” drawn at a medical treatment facility, a result exceeding .02 shall be considered to be a verified positive result.
12. Employee Awareness Education – Every employee will attend a session in which this policy is discussed. Every employee will receive a copy of our written Policy, and everyone will be expected to sign that they received it. Each employee will receive a minimum of one hour of substance education annually including, but not limited to: why and how substance use is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.
13. Supervisor Training – Supervisors will be trained to recognize substance abuse problems that may endanger the employee and others as well as violate this Policy. This training is in addition to the employee education session. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help. Neither supervisors nor the City assumes any liability for a failure to detect any abuse of this Policy by an employee.
14. Reasonable Cause Testing – An employee suspected of being under the influence of alcohol and/or prohibited drugs must be observed by two supervisors trained in the detection of drug or alcohol use. This evaluation must be completed prior to recommendation for an examination and testing. Reasonable cause can be established by the observations of fewer than two Supervisors or of non-supervisory personnel only when it is not reasonably feasible to have two supervisors involved. After observation, one supervisor will transport the employee to the medical facility for drug and alcohol testing and physical examinations.

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

15. Post-Accident Testing – Drug and alcohol testing is required for all employees performing a function that either contributed to an accident or appears to have contributed to an accident involving any of the following:
 - a. A death or serious injury of any person; and/or
 - b. Substantial damage to property.

All of the above situations must be reported as soon as possible to the appropriate supervisor. If the employee's performance was a contributing factor to the accident, then the drug and/or alcohol testing is to occur as soon as feasibly possible. At no time in this instance shall the employee transport himself/herself to the medical facility. If the situation is life threatening, however, the ambulance or other means of emergency care will become the authority to determine destination of the transported employee.

The City of Madeira will contest all claims under circumstances in which an employee tests positive for illegal drugs and/or alcohol. Should the employee be incapacitated as a result of the accident, the medical facility will determine whether or not it is appropriate to administer the tests. Under these situations, the employee must report the circumstances of injury, as well as receive the drug and/or alcohol test(s) at the medical facility within twenty-four (24) hours, except if admitted to a medical facility.

16. Return to Duty Testing – An employee who has not been dismissed as a result of failing a drug and/or alcohol test(s) must pass a Return to Work Drug and/or Alcohol test(s) before returning to work.
17. Periodic Physicals – In situations where the employee will be under going periodic physicals, such as may be required by the Department of Transportation, such employees will be tested for drugs and/or alcohol at the same time.
18. Random Testing – The City will require random drug testing of all employees employed in safety-sensitive positions (See Article II, Section M), which will be spread evenly throughout the year. Selection for random testing shall be done by a scientifically valid method.

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

19. Collection – Any time an employee is requested to take a drug and/or alcohol test(s) the employee may be required to sign an authorization form permitting the medical facility to conduct the test(s) and to release the results to the City. Refusal to cooperate will be considered an act of insubordination and gross misconduct and will subject the employee to termination of employment. On the initial drug test, all the employees will provide urine samples for drug testing in their own privacy. All outer garments will be left behind when providing specimens for sample; outer garments are defined as jackets, purses, brief cases, etc. Wallets and billfolds may be retained. The collection facilities will follow Federally-mandated collection guidelines to ensure integrity in collection and transmitting of specimens to the laboratory. Should the collection site personnel suspect that the specimen has been tampered with (e.g. abnormal temperature or color, they should ask the donor to provide a second specimen and “witness” the collection. Both specimens should be forwarded to the laboratory for analysis.
20. Medical Review Officer (MRO) – A MRO is a physician specifically trained in interpreting drug and alcohol test results. All invalid, adulterated, substituted and positive results will be sent to the MRO by the laboratory.
21. Positive Test Results – If the laboratory reports a “Positive” result to the MRO, the MRO will contact the specimen donor and seek a “medical” explanation for the obtained result. If an acceptable “medical” explanation (e.g. verified prescription or medical condition) is obtained, the MRO will report a negative result to the City contact person. If no acceptable “medical” explanation is obtained; the MRO will report the positive result to the City contact person and offer the donor a retest at the donor’s expense.
22. Adulterated or Substituted Results – If the laboratory reports an “Adulterated” or “Substituted” result, the same action as a Positive Test Result will be followed (e.g. notification by the MRO, search for “medical” explanation and retest opportunity.
23. Retest – A retest is performed as an additional verification of the original result and is performed at the request of and at the expense of the donor. It is performed by a different laboratory on the “split” or “B” specimen collected at a time or date after the original collection. A second specimen collected at a time or date after the original collection is never used for the retest. If the donor desires a retest, he will notify and provide the necessary funds to the MRO who will request he retest in writing from the original laboratory. The original

ARTICLE VI. Disciplinary Actions

SECTION D: Employees with Drug/Alcohol Problems

laboratory will be responsible for properly packaging and sending the retest specimen to a second SAMSHA-certified laboratory. The retest laboratory will report the result of the retest to the MRO who will provide the results to the donor and the City contact person.

24. Invalid Test Results – If a test is reported as “Invalid” a second collection will be necessary and will be observed by someone of the same sex.
25. Rehabilitation – Employees who have not been previously referred for professional assistance for substance abuse may be offered the opportunity for a referral, evaluation, and/or treatment in lieu of removal. At the time of referral, the employee must sign a release that permits ongoing contact between the recognized treatment facility and the City of Madeira.

The contact will be limited solely to the recognized treatment facility informing the City of Madeira whether the employee is cooperating in the treatment program recommended. Continued employment will be on probation, and contingent upon the employee fulfilling all recognized treatment facility or physician recommended treatment. The recognized treatment facility will be kept confidential with information limited to those persons with an absolute “need to know”.

All employees in this category will be required to sign a re-entry agreement. Employees who have had one referral to the recognized treatment facility for alcohol and/or substance abuse problems and who subsequently violate this policy will be removed from employment.

The City of Madeira’s policy is to investigate all discrimination and harassment complaints thoroughly and promptly. To the fullest practical extent, the City will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the Policy has occurred, the City will take corrective action, including discipline, up to and including immediate termination of employment.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE VII. PERFORMANCE EVALUATIONS

SECTION A: THE REVIEWER & EVALUATION SCHEDULE

EFFECTIVE DATE: JUNE 23 & 24, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state the purpose of evaluations, when they shall be performed and identify the reviewer.

An annual evaluation is an effective method of communicating to employees their strengths and weaknesses relating to many aspects of their job performance.

It is the belief of the City that annual evaluations promote better relations between supervisors and employees as well as enable more effective completion of assigned duties.

POLICY:

An evaluation shall be performed for all permanent full and part-time employees annually by the employee's immediate supervisor. In addition to the annual evaluation, a newly hired employee of the City shall also be evaluated in writing during the probationary period.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE VII. PERFORMANCE EVALUATIONS

SECTION B: PERFORMANCE CRITERIA

EFFECTIVE DATE: JUNE 23, 1982

REVISION DATE: JUNE 1, 1993

PURPOSE:

To state what types of performance criteria are available to a supervisor in performance evaluations.

POLICY:

All evaluation forms should be standardized for each department. Standardization helps preserve the uniformity of evaluations given within each department. Standardization also facilitates comparison with prior evaluations of an employee.

The standardized form may be objective or more narrative in nature, depending on the type of position being evaluated. Generally, the objective types are to be used with those types of positions which have quantitative responsibilities. Narrative or more subjective evaluations are to be used with those positions that have less tangible, less measurable responsibilities. In both cases, an overall rating should be given to the employee being evaluated.

All new forms and revisions of existing forms must have the approval of the City Manager.

**CITY OF MADEIRA
PERSONNEL POLICY MANUAL**

ARTICLE VII. PERFORMANCE EVALUATIONS

SECTION C: COMPLETION OF EVALUATIONS

EFFECTIVE DATE: JUNE 23, 1982

REVISION DATE: JUNE 1, 1993; FEBRUARY 1, 1995

PURPOSE:

To state the procedures for completing an evaluation.

POLICY:

The supervisor shall provide a written copy upon request of the evaluation to the employee who has been evaluated. The supervisor shall schedule a meeting with the employee to discuss the evaluation. The employee may request clarification of any part of the evaluation which is unclear at that meeting. The employee will be given the opportunity to respond, in writing, on the evaluation form. As a result of the above described meeting, the supervisor may amend the evaluation. After amendments, if any, are made and the employee's written response, if any, is complete, the form must be signed by the employee and the evaluating supervisor. The employee's signature is only an acknowledgment that the evaluation was reviewed by the employee, and not agreement with its contents. The completed evaluation form shall then be placed in the employee's personnel file as a matter of record.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE VIII. WORKPLACE VIOLENCE

SECTION A: DISCRIMINATION AND HARASSMENT

EFFECTIVE DATE: JUNE 23, 1982

REVISION DATE: JUNE 1, 1993; AUGUST 26, 2002; MAY 22, 2006

PURPOSE:

To state the City's policy regarding discrimination and harassment

POLICY:

The City of Madeira is committed to maintaining a work environment that is free of discrimination. Accordingly, this policy forbids any discriminatory employment action or any unwelcome conduct that is based on an individual's race, color, religion, gender, national origin, age, disability, ancestry, marital status, veteran status, citizenship status, sexual orientation, or any other protected status of an individual or that individual's associates or relatives. The City of Madeira will not tolerate any form of harassment of our employees or other persons performing services for our City by anyone including any supervisor, co-worker, vendor, client, or customer of our City.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a protected group status.

The City of Madeira will not tolerate harassing conduct that:

- ∃ affects tangible job benefits;
- ∃ interferes unreasonably with an individual's work performance;
- ∃ creates an intimidating, hostile, or offensive working environment.

Such harassment may include, for example:

- ∃ jokes about another person's protected status;
- ∃ kidding, teasing or practical jokes directed at a person based on his or her protected status.

ARTICLE VIII. Workplace Violence

SECTION A: Discrimination and Harassment

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:

- ∃ submission to the conduct is an explicit (clear) or implicit (implied) term or condition of employment;
- ∃ submission to or rejection of the conduct is used as the basis for an employment decision that conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include:

- ∃ explicit sexual propositions;
- ∃ sexual innuendo (sly remarks);
- ∃ suggestive comments;
- ∃ sexually oriented "kidding" or "teasing", practical jokes, and obscene printed or visual material (including email);
- ∃ physical contact such as patting, pinching, or brushing against another person's body;
- ∃ treating people differently, even in non-sexual ways, solely because of their gender.

All employees are responsible to help assure that we avoid discrimination and harassment. If you feel that you have experienced or witnessed any conduct that is inconsistent with this Policy, you are to notify the Assistant City Manager, your department head, or your supervisor.

The City of Madeira forbids retaliation against (getting even with) anyone for reporting discrimination or harassment, assisting in making a discrimination or harassment complaint, cooperating in a discrimination or harassment investigation, or filing an EEOC claim. If you feel you have been retaliated against, you are to notify the Assistant City Manager, your department head, or your manager or supervisor.

CITY OF MADEIRA PERSONNEL POLICY MANUAL

ARTICLE VIII. WORKPLACE VIOLENCE

SECTION B: EMPLOYEE VIOLENCE AND FIREARMS

EFFECTIVE DATE: DECEMBER 30, 2005

PURPOSE:

To state the City's policy regarding employee violence and firearms.

POLICY:

The City of Madeira is committed to providing a safe and secure workplace for the benefit of its employees and the general public. Employees have the right to work in an environment free of violence or the threat of violence. It is the policy of the City of Madeira to establish a zero-tolerance standard regarding any violent behavior or threat of violent behavior, implied or actual, from any person that is directed to other employees or the public at a City facility or during the conduct of City business. This policy is intended to provide guidelines for preventing, reporting and investigating incidents of violence or potential violence in the workplace.

A. Definitions:

1. Zero tolerance: As the term is used in this policy, any alleged violation must be reported and will be investigated and appropriate action will be taken as expeditiously as possible.
2. Violence or Violent Behavior: As the terms are used for this policy, including, but not limited to:
 - a. Written or verbal communication, whether direct or indirect, which are of a threatening, intimidating or coercive nature;
 - b. The use or threat of physical force;
 - c. Stalking;
 - d. Vandalism or destruction of property;
 - e. The use or possession of any weapon and/or ammunition on City property or on working time, unless the specific weapon and/or ammunition are authorized by the City for a particular work assignment or position.

ARTICLE VIII. Workplace Violence

SECTION B: Employee Violence and Firearms

- B. Reporting Violations. Any employee who becomes aware of another employees or person violating the City’s policy against workplace violence has a duty and obligation to immediately and properly report such violations by one or more of the following methods.
1. Notify your immediate supervisor at once; or
 2. Notify the City’s Assistant City Manager or City Manager who will also notify the Madeira Police Department; or
 3. Call 911 if you believe there is an immediate emergency; then contact your supervisor.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual, such as a customer, vendor, or citizen, must be reported.

- C. Warning Signs. Employees are expected to inform their Supervisor and/or the Assistant City Manager if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:
1. A fascination with weapons and their capabilities to harm;
 2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
 3. Making threatening remarks;
 4. Sudden or significant deterioration of performance;
 5. Displaying irrational or inappropriate behavior;
 6. Discussing threats made by third parties to co-workers or to the City;
 7. Expression of hatred or ill will.
- D. Confidentiality and Protection from Retaliation. Consistent with the necessity for prevention and investigation of violence in the workplace, personal information obtained in the course of an investigation under this policy shall be considered confidential and not subject to public disclosures except as may be necessary as part of the disciplinary process or as otherwise provided by law.

Retaliation against a person for having made a good faith complaint or report of violence in the workplace, or participating in or aiding an investigation of violence in the workplace

ARTICLE VIII. Workplace Violence

SECTION B: Employee Violence and Firearms

under this policy is prohibited. Any person who believes that he or she has been subject to such retaliation should bring it to the attention of the Assistant City Manager or City Manager for investigation.

- E. Sanctions. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action, up to and including termination, and depending upon the violation, may be subject to criminal charged and penalties.

of Contact. If the report is made to the supervisor or human resources manager, that individual shall notify the Designated Point of Contact. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervisor.

2. Parents and Guardians

Each year, parents or legal guardians of children participating in City-sponsored functions shall be advised of the contents of this sexual misconduct Policy and be instructed to report any incident of known or suspected sexual misconduct in accordance with applicable state, local or federal law. The City also encourages parents or legal guardians to report any incident of known or suspected sexual misconduct to the Designated Point of Contact, unless the allegations involve that person. If the allegations involve the Designated Point of Contact, the report should be made to the City's human resources manager, who will immediately follow all applicable state law reporting requirements.

B. INVESTIGATION AND CONFIDENTIALITY

All complaints of sexual misconduct will be promptly investigated and reported in accordance with applicable state, local or federal law. During such investigation, while every effort will be made to protect the privacy concerns of all parties, confidentiality cannot be guaranteed.

C. DISCIPLINE

Upon completion of its investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have engaged in sexual misconduct in violation of this policy. False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action, up to and including termination. Any City employee who retaliates against an individual for reporting alleged sexual misconduct (or for testifying, assisting or participating in an investigation, proceeding or hearing related to an allegation of sexual misconduct) shall be subject to disciplinary action, up to and including termination.

D. CHILD ABUSE

Sexual abuse of a minor is a crime. Any case of known or suspected child abuse must be reported immediately in accordance with applicable state, local or federal law. In addition, any case of known or suspected child abuse must be immediately reported to the Designated Point of Contact.

In the event the Designated Point of Contact is the first person notified in an incident of known or suspected child abuse, the Designated Point of Contact shall immediately notify the child's parent or legal guardian, as the case may be, and the appropriate legal authorities as required by state, local or federal law.

Any employee involved in a reported incident of sexual misconduct or child abuse shall, at the City's discretion, either be immediately relieved of responsibilities that involve interaction with minors or be suspended (with or without pay) pending the results of the City's investigation of the matter. Employees identified in an allegation of child abuse shall be reinstated to duties involving interaction with minors only after the City's investigation is complete and only if reinstatement is warranted.

**CITY OF MADEIRA
FAMILY MEDICAL LEAVE POLICY REQUEST FORM**

I, _____, have received the Family Medical Leave Policy followed by the City of Madeira. I understand that if I have any questions concerning this policy, I should contact the City's Assistant Manager.

I have requested FMLA leave for my _____ my family member's (please circle one) serious health condition. I understand that my FMLA leave will begin tolling on _____ (date) and will continue for up to 12 weeks within the next 12 months of a rolling calendar year. I understand that I have taken _____ hours of leave within the past 12 months, which means I am currently eligible for _____ hours of leave.

Signature of FMLA Applicant

Signature of City Representative

This leave has been approved by:

Thomas W. Moeller, City Manager

Date



(Family and Medical Leave Act of 1993)

Date:

OMB No. : 1215-0181
Expires : 08-31-07

To: _____
(Employee's Name)

From: _____
(Name of Appropriate Employer Representative)

Subject: REQUEST FOR FAMILY/MEDICAL LEAVE

On _____, you notified us of your need to take family/medical leave due to:
(Date)

- The birth of a child, or the placement of a child with you for adoption or foster care; or
- A serious health condition that makes you unable to perform the essential functions for your job; or
- A serious health condition affecting your spouse, child, parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ and that you expect
leave to continue until on or about _____
(Date) (Date)

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are eligible not eligible for leave under the FMLA.
2. The requested leave will will not be counted against your annual FMLA leave entitlement.
3. You will will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (insert date) (must be at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)

5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.)*

(b) You have a minimum 30-day *(or, indicate longer period, if applicable)* grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, *provided* we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on leave.

(c) We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.

6. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

7. (a) You are are not a "key employee" as described in § 825.217 of the FMLA regulations. If you are a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us as discussed in § 825.218.

(b) We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. *(Explain (a) and/or (b) below. See §825.219 of the FMLA regulations.)*

8. While on leave, you will will not be required to furnish us with periodic reports every _____ *(indicate interval of periodic reports, as appropriate for the particular leave situation)* of your status and intent to return to work *(see § 825.309 of the FMLA regulations)*. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will will not be required to notify us at least two work days prior to the date you intend to report to work.

9. You will will not be required to furnish recertification relating to a serious health condition. *(Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the FMLA regulations.)*

This optional use form may be used to satisfy mandatory employer requirements to provide employees taking FMLA leave with Written notice detailing specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. (29 CFR 825.301(b).)

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Public Burden Statement

We estimate that it will take an average of 5 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, DC, 20210.

DO NOT SEND THE COMPLETED FORM TO THE OFFICE SHOWN ABOVE.



(When completed, this form goes to the employee, **Not to the Department of Labor.**)

OMB No.: 1215-0181
Expires: 08-31-2007

1. Employee's Name

2. Patient's Name (If different from employee)

3. Page 4 describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____, or None of the above _____

4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate **date** the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present **incapacity**² if different):

b. Will it be necessary for the employee to take work only **intermittently** or to work on a **less than full schedule** as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a **chronic condition** (condition #4) or **pregnancy**, state whether the patient is presently incapacitated² and the likely duration and frequency of **episodes of incapacity**²:

¹ Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

² "Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

6. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

c. If a **regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7. a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?

b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be **absent from work for treatment**?

8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?

c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

Signature of Health Care Provider	Type of Practice
Address	Telephone Number
	Date

To be completed by the employee needing family leave to care for a family member:
State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature	Date
--------------------	------

A **"Serious Health Condition"** means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity² of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves:

- (1) **Treatment³ two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- (2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment⁴** under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and
- (3) May cause **episodic** rather than a continuing period of incapacity² (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **incapacity²** which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, or for a condition that would likely result in a period of **incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 CFR 825.306).

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Public Burden Statement

We estimate that it will take an average of 20 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE; IT GOES TO THE EMPLOYEE.

**CITY OF MADEIRA, OHIO
EDUCATION/TUITION REIMBURSEMENT REQUEST FORM**

Employee's Name _____ Date _____

Department _____ Name of School _____

Degree that will be earned _____ Dates of Attendance _____

Classes Requested _____

Estimated Expense Authorization:

Registration \$ _____

Course Fees \$ _____

Total \$ _____

Employees, after presenting documentation to the City Manager, will be reimbursed for fees or tuition costs based on the grade achieved as follows:

GRADE A – 100% GRADE B – 75% GRADE C – 50% BELOW C – 0%

Applicant's Signature _____ Date _____

Supervisor's Signature _____ Date _____

City Manager's Authorization _____ Date _____

**CITY OF MADEIRA
EMPLOYEE CONFERENCE/TRAVEL REQUEST FORM**

INSTRUCTIONS:

1. This form must be completed, in duplicate, by all staff members requesting professional leave.
2. Appropriate literature, if available, and a letter of request must accompany this form.
3. Approval, as indicated by the City Manager Authorization below, indicates that funds are reserved. The signed duplicate of this request shall be returned to the applicant within one week of Council approval.
4. Proper documentation (e.g., receipts, canceled checks) and a written summation of the meeting must be submitted to obtain reimbursement for expenses. The Auditor does not permit reimbursements for expenses without proper documentation.

Applicant's Name: _____ Date Submitted: _____

Title: _____ Department: _____

Title of Conference: _____ Sponsor: _____

Location: _____ Mode of Travel: _____

Conference Dates: _____ Dates of Attendance: _____

Travel Dates: _____ Is a substitute required for your schedule: ___ yes ___ no

If yes, dates and replacement's name: _____

Estimated Expense Authorization:

Registration	\$ _____
Accommodations	\$ _____
Meals	\$ _____
Travel	\$ _____
(Mileage, Air Fare)	\$ _____
Other _____	\$ _____
TOTAL ESTIMATED EXPENSES	\$ _____

Applicant Signature: _____ Date: _____

Supervisor Recommendation: ___ yes ___ No Signature: _____ Date: _____

City Manager Authorization: _____ Date: _____

**CITY OF MADEIRA
TRAVEL EXPENSE VOUCHER**

Employee Name: _____ Title: _____ Department: _____

Purpose of Trip: _____ Seminar/Schooling Location: _____ Seminar/Schooling Dates: _____

DAY/DATE DAY/DATE DAY/DATE DAY/DATE DAY/DATE DAY/DATE DAY/DATE

TOTALS

TRANSPORTATION

Car Mileage _____
 Rate x Miles _____
 Car Rental _____
 Parking _____
 Tolls _____
 Air Fare _____
 Rail Fare _____
 Bus Fare _____
 Taxi Fare _____
 Tips _____

HOTEL

Room Charge _____
 Hotel Tips _____

MEALS (Incl. Tips)

Personal Breakfast _____
 Meals Lunch _____
 Dinner _____
 Business Breakfast _____
 Meals Lunch _____
 Dinner _____

MISCELLANEOUS

Telephone _____
 Fax _____
 Postage _____
 Laundry _____
 Other (Attach Statement) _____

I certify that these expenses were incurred by me in the transaction of authorized City business.

Balance Due: _____

Employee Signature Date

Supervisor Signature Date

City Manager Signature Date

**CITY OF MADEIRA
DONATION OF SICK LEAVE FORM**

Requesting Employee _____ Date of Request _____

Receiving Employee _____ Amount Donated _____

Sick Leave Balance after donation _____ (Minimum balance must be 50% of current or 160 hours)

Signature of Employee Donating Sick Time _____ Date _____

Signature of Department Head _____ Date _____

_____ Approved _____ Not Approved Reason: _____

Signature of City Manager _____ Date _____

**CITY OF MADEIRA
EMPLOYEE INJURY REPORT FORM**

Employee's Name: _____ Department: _____

Date of Injury: _____ Time of Injury: _____

Place Where Injury Occurred: _____

Describe in detail the events which resulted in the injury: _____

Describe the nature of the injury and the parts of the body affected:

Did Employee receive medical treatment? ____ YES ____ NO

If yes, when and where: _____

Was a Workers' Compensation Claim filed for this injury? ____ Yes ____ No

Name of all witnesses to the injury: _____

Employee Signature

Date

Department Head's Report: _____

Department Head's Signature

Date

**CITY OF MADEIRA
INCIDENT REPORT FORM**

Incident Date: _____ Time: _____

Location of Incident: _____

TYPE OF INCIDENT (Circle all applicable items):

- | | |
|--------------------------|---|
| A. Vehicle Malfunction | F. Injury to Personnel (See Injury Report Form) |
| B. Equipment Malfunction | G. Damage to Private Property |
| C. Vehicle Damage | H. Unsafe Environment |
| D. Equipment Damage | I. Non-Professional Conduct |
| E. Lost Equipment | J. Other _____ |

DETAILED DESCRIPTION OF THE INCIDENT BEING REPORTED:

Names of Witnesses: _____

PERSON FILING REPORT: _____

For Administrative Use Only:

Person responsible for correcting the incident: _____

Date Incident Resolved: _____

Action Taken: _____

Decision of Safety Committee:

VERBAL WARNING FORM

Employee's name:

Manager's name:

Date of verbal warning:

Dates covered by violation:

Nature of offense or rule violation:

Response of employee:

Agreement on expected performance:

Signature of Manager:

Date:

DISCIPLINARY WARNING NOTICE

Employee's Name:	Date:
Department:	Position:
Reason For Notice:	
Action Taken On This Notice: <input type="checkbox"/> Verbal Warning <input type="checkbox"/> First Written Warning <input type="checkbox"/> Second Written Warning Explanation:	
Future Action: <input type="checkbox"/> Last Written Warning <input type="checkbox"/> Suspension <input type="checkbox"/> Last Chance <input type="checkbox"/> Termination <input type="checkbox"/> Other (specify): Discussion:	
Manager's Comments:	
Employee's Comments:	
Employee's Signature:	
Supervisor's Signature:	

A copy of this notice must be given to the employee and a copy must be placed in the employee's personnel file.

**CITY OF MADEIRA
PERSONNEL EVALUATION**

DATE AND TYPE OF EVALUATION: _____

EMPLOYEE: _____

DEPARTMENT: _____

TITLE: _____

EVALUATOR: _____

GENERAL DUTIES: (Description of Job Responsibilities – Note Any Changes in Position Descriptions/Responsibilities)

PERFORMANCE: (Description of Overall Work Performance – Include details on Tasks Completed, Areas of Strength, Areas of Improvement, etc.)

USE OF RESOURCES: (Description of Employee’s Knowledge and Use of Funds, Personnel, Equipment, etc.)

EFFECTIVENESS WITH PEOPLE: (Description of Employee’s People Skills, Management Skills, Interaction with Public, City Council, etc.)

